

IN THE KENTUCKY PUBLIC SERVICE COMMISSION

IN RE: INVESTIGATION:

Case No. 2003-00433  
AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,  
TERMS, AND CONDITIONS OF LOUISVILLE GAS AND  
ELECTRIC COMPANY

and

Case No. 2003-00434  
AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND  
CONDITIONS OF KENTUCKY UTILITIES COMPANY

\* \* \*

SWORN STATEMENT

OF

THOMAS M. DORMAN

JULY 27, 2005

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ELLEN L. COULTER, RPR  
Coulter Reporting, LLC  
101 East Kentucky Street  
Suite 200  
Louisville, Kentucky 40203  
(502) 582-1627  
FAX: (502) 587-6299  
E-MAIL: CoulterLLC@bellsouth.net

received  
8/8/05  
MN

I N D E X

Exhibit No. 1..... 64  
(PSC Employee Information Handbook)

Exhibit No. 2..... 64  
(Phone records)

A P P E A R A N C E S

SPECIAL GENERAL COUNSEL TO THE PUBLIC SERVICE  
COMMISSION:

JONATHAN D. GOLDBERG  
Goldberg & Simpson  
3000 National City Tower  
101 South Fifth Street  
Louisville, Kentucky 40202

FOR THE WITNESS:

WILLIAM H. CULL  
WMC Corp.  
210 Washington Street  
Frankfort, Kentucky 40601

8/8/83 BDT

1                   The sworn statement of THOMAS M.  
2 DORMAN, taken in the offices of the Public Service  
3 Commission, 211 Sower Boulevard, Frankfort, Kentucky,  
4 on Wednesday, the 27th day of July, 2005, at  
5 approximately 9:25 a.m.

6  
7                   EXAMINATION

8  
9 BY MR. GOLDBERG:

10               Q.       Mr. Dorman, would you state your full  
11 name, please.

12               A.       Thomas M. Dorman.

13               Q.       And your home address?

14               A.       1114 Wash Road, Frankfort, Kentucky.

15               Q.       All right, sir. And your occupation?

16               A.       Well, I'm retired.

17               Q.       Okay. I want to take you back in your  
18 employment history, and I wanted to take you back to  
19 the time that you were first a commissioner of the  
20 Public Service Commission. Do you recall the dates  
21 that you were a commissioner of the Public Service  
22 Commission?

23               A.       Oh, it would have been -- it would  
24 have commenced at the end of the Wilkinson  
25 administration and would -- would have run

1 approximately two years.

2 Q. Okay. So sometime in the mid '80s?

3 A. Mm-hmm.

4 Q. And you were a commissioner for two  
5 years. Were you ever chairman?

6 A. No, but I was vice chairman.

7 Q. Okay. At the time you were a  
8 commissioner and vice chairman of the commission, I  
9 trust there was an employee handbook in place for the  
10 employees of the Public Service Commission, or do you  
11 know?

12 A. During that time I don't recall. I  
13 assume there was some sort of handbook, you know,  
14 dealing with personnel issues and how you -- you  
15 know, some guidance on what your rights were as an  
16 employee of the Commonwealth.

17 Q. Do you know whether or not there was  
18 an ex parte policy that was part of the employee  
19 handbook in place?

20 A. I don't recall that.

21 Q. Okay. Do you recall whether or not  
22 there was a policy on ex parte contacts at the  
23 commission during your tenure as commissioner?

24 A. There was great sensitivity here at  
25 the commission about ex parte communication because

1 there had been the -- some of the commissioners that  
2 I served with had participated in the tea and salad  
3 issue with LG&E.

4 Q. Commonly known as the Cowan case,  
5 C-O-W-A-N?

6 A. Where it was alleged that LG&E had  
7 some ex parte communication with the commissioners  
8 over a lunch, which the two commissioners that were  
9 still serving at the time vehemently denied. But I  
10 know there was great sensitivity here at the  
11 commission about the allegation of ex parte.

12 Q. Okay. To your knowledge, was a policy  
13 developed then as a result of the Cowan case about  
14 ex parte communication?

15 A. I don't recall that during my tenure  
16 as a commissioner.

17 Q. Okay. After your tenure as a  
18 commissioner, you -- what did you do after that?

19 A. I went -- well, I -- I was also  
20 affiliated with the Kentucky River Authority. And I  
21 did service as chairman -- I did service on an hourly  
22 rate during the Jones administration as chairman of  
23 the River Authority and functioned to help establish  
24 the River Authority as an agency.

25 Then I worked with the election of

1 Governor Patton. I worked in -- oh, I worked --  
2 between that time, River Authority and after the  
3 election of Governor Patton, I managed a campaign for  
4 congress for Joe Wright for congress. Then I came  
5 into the Patton administration as a legislative  
6 liaison.

7 Then returned to the commission after  
8 the legislative session, I guess, the second  
9 legislative session for Patton -- boy, I've got to  
10 piece all this back together. The -- then returned  
11 to the commission as deputy director. Left the  
12 commission -- I'd say I was here about a year, left  
13 the commission, went back to Governor Patton's office  
14 as a legislative liaison. And then finally returned  
15 to the commission as executive director.

16 Q. Okay. How long were you executive  
17 director?

18 A. Three years.

19 Q. All right.

20 A. I'm guessing. I'd have to go back and  
21 piece it together.

22 Q. All right. Let's focus in on first  
23 your job as deputy director. What were your duties  
24 as deputy director?

25 A. Well, certainly because of my

1 legislative background I attended to a lot of  
2 legislative affairs. I would have received calls  
3 from legislators and followed the legislative  
4 proceedings. You know, I did some -- some personnel  
5 work. Basically Helen Helton was the executive  
6 director, and I served as her deputy. So I did a lot  
7 of things to help the executive director fulfill her  
8 duties.

9 Q. What year would that have been,  
10 Mr. Dorman?

11 A. Oh, boy. I'd have to -- I'd have to  
12 piece that together, but I think it would have been  
13 during the middle of the first Patton administration.

14 Q. All right, sir. That would have been  
15 after 1993, then.

16 A. Mm-hmm.

17 Q. Okay. Let me show you what's called  
18 the Employee Information Handbook. You'll see on the  
19 second page that it bears an effective date of  
20 October 1, 1993.

21 A. Okay.

22 Q. All right. I trust you have seen this  
23 document before?

24 A. Yes, it is familiar to me, yeah.

25 Q. Okay. And does the date that it bears

1 refresh your memory that that would have been the  
2 employee handbook in place during your tenure as  
3 deputy director?

4 A. Probably so, yes.

5 Q. All right, sir. Any reason to dispute  
6 that?

7 A. No, no. Again, I -- if I -- you know,  
8 to be totally accurate about it, I could go back and  
9 look at my personnel records and try and piece it  
10 back together, but no.

11 Q. All right, sir. I wanted you to turn  
12 to page 20, subsection G. You should see ex parte  
13 policy. Do you see that?

14 A. Mm-hmm.

15 Q. All right, sir. I trust as part of  
16 the employee handbook you made yourself familiar with  
17 the ex parte policy.

18 A. Mm-hmm.

19 Q. All right. And I'm representing to  
20 you that's the same ex parte policy that's still in  
21 effect here at the Public Service Commission.

22 A. Okay.

23 Q. All right. And ask you if that  
24 particular policy that you were reviewing comports  
25 with your understanding of what the policy was that



1 was in effect.

2 A. Yes.

3 Q. And just as a general question, let me  
4 ask you during the exercise of your duties as both  
5 deputy director and subsequently as director, did you  
6 at all times comport with that policy?

7 A. Yes, sure. In fact, it -- we had  
8 developed such a sensitivity about ex parte  
9 communication here at the commission that whenever  
10 there was a question about issues to be discussed  
11 with the utilities, we -- we would routinely consult  
12 with the general counsel, Debbie Eversol, who was --  
13 took a very conservative stance with regard to  
14 ex parte communication. And at times I was  
15 frustrated with the -- she would carry it to the --  
16 to the point of the appearance of ex parte  
17 communication where we -- her advice was to restrain  
18 us from having discussions with the utilities that we  
19 thought pretty innocuous, that we thought it would be  
20 important to the deliberation of some of these  
21 issues. But we always would have to defer to the  
22 general counsel. And if she said she thought it  
23 would be improper, we would not have the meeting, or  
24 we would not -- if we would schedule the meeting, we  
25 would make sure all parties of the case were present.

1           Q.       All right, sir.  Going back to your  
2 duties, did you have duties with regard to individual  
3 cases such as rate cases?

4           A.       Not really.  I mean, did I participate  
5 in -- in calculating rates or what were allowable  
6 expenditures?  Not really.  All that was a matter for  
7 the -- for the technical staff.  You know, my duties  
8 both as deputy, and more so as executive director,  
9 were the logistics of handling cases.

10          Q.       Okay.  We have taken the statement of  
11 Mr. Amato, who now serves as deputy director.  And he  
12 characterizes it as it is the duty of the director or  
13 deputy director with regard to rate cases to  
14 procedurally move a case along in accordance with  
15 statutory requirement and regulatory requirement.  
16 Would you agree with that statement?

17          A.       Yes.

18          Q.       Okay.  I take it, then, both in your  
19 capacity as deputy director and director, that was  
20 one of your duties.

21          A.       Yes.

22          Q.       Okay.  Now, are you communicating to  
23 me that the only thing that you had knowledge of with  
24 regard to rate cases was procedural matters and not  
25 substantive technical matters?  Is that correct?

1           A.       Well, not to -- I wouldn't -- to say  
2       that I was devoid of any knowledge of the issues at  
3       hand would not be a fair statement because you want  
4       to -- you try and keep up with what's going on. But  
5       did I participate in developing those issues? Did I  
6       participate in advising the commission on their  
7       decisions with regard to those issues? No.

8           Q.       Okay. Let's move forward to the time  
9       when you were executive director. Can you place that  
10      in terms of time frame, what years? Let's start with  
11      the back end. You know when you retired.

12          A.       Right, right.

13          Q.       What date did you retire?

14          A.       I retired in June of last year, so --

15          Q.       June of 2004.

16          A.       '4. So if it's approximately three  
17      years, that takes me to June of 2000?

18          Q.       All right, sir. Now, during that time  
19      frame, tell me, in addition to dealing with  
20      procedural matters in cases before the commission,  
21      what other items were your duties, what other things?

22          A.       Well, again, I did legislative  
23      affairs, took calls from legislators and attended  
24      legislative meetings, testified in front of  
25      committees on behalf of the commission. I would -- I

1 also -- I guess this kind of relates back to  
2 legislative affairs, but I got involved in some  
3 transmission line issues, some of the generation  
4 transmission companies for the co-ops had proposed  
5 some rather controversial transmission lines up in  
6 Maysville and other locations around Kentucky.

7 I got involved in developing the  
8 commission's policy with regard to some initiatives  
9 by the Federal Energy Regulatory Commission on  
10 regional transmission organizations and the  
11 importance or value of Kentucky's utilities and  
12 participating in those regional organizations. Just  
13 a whole gamut --

14 Q. Did you get involved in energy policy  
15 in general?

16 A. Yes, yes. I helped -- prior to  
17 Governor Patton's appointment of the energy policy  
18 board or establishment of energy policy board, I  
19 largely held -- or was responsible for assisting the  
20 governor's office in that -- in developing that  
21 policy for the governor and utilizing the  
22 commission's staff and its expertise. It was the  
23 whole issue of independent electric generation coming  
24 into Kentucky, locating generation facilities. And  
25 there was no certificate of need process or no

1 Commonwealth approval as to whether those generation  
2 facilities should be constructed. We suddenly -- we  
3 learned through environmental permits that a number  
4 of these independent generators were intending to  
5 construct here in Kentucky.

6           It led up to the governor declaring a  
7 moratorium -- issuing an executive order that  
8 declared a moratorium on the construction of all  
9 those facilities until the General Assembly could  
10 enact legislation dealing with an approval process,  
11 which was ultimately done. So I was -- in the early  
12 stages, I was very much involved and kind of led the  
13 staff efforts to assist the governor's office, and  
14 was involved in the establishment -- or the enactment  
15 of the legislation and then backed off once the board  
16 was in place and had its own executive director.

17           Q.       How much of your time was spent on  
18 legislative issues?

19           A.       Well, it's just -- because of my  
20 background, having spent so many years working for  
21 the legislature and working for democratic leadership  
22 in the legislature and then having been legislative  
23 liaison for other governors, I naturally gravitated  
24 toward that arena. I mean, I had the background for  
25 it, I felt, and thought I could be of service to the

1 commission. So how much time, I would -- certainly  
2 during session, a lot, 70, 80 percent, probably. Out  
3 of session, it would drop down to 25, 30 percent,  
4 something like that.

5 Q. All right, sir. Who were the  
6 commissioners during your tenure?

7 A. As commissioner?

8 Q. Who were the commissioners?

9 A. Ed Overby and Bob Davis as a  
10 commissioner, those are my --

11 Q. I was asking during your executive  
12 director tenure.

13 A. Oh, executive director's tenure.

14 Q. Mm-hmm.

15 A. B. J. Helton was chairman, Ed Holmes,  
16 and Gary Gillis.

17 Q. Okay. And subsequently they were  
18 replaced?

19 A. Mm-hmm.

20 Q. And who became chairman?

21 A. Marty Huelsman became chairman. Marty  
22 had been executive director.

23 Q. All right, sir.

24 A. And I -- that would help date this.  
25 I -- I came over and assumed the executive director's

1 position when Marty was appointed chairman.

2 Q. Okay. Mr. Huelsman served with  
3 Mr. Gillis and who else?

4 A. Oh, and there was -- well, when Ed  
5 Holmes left, Bob Spurlin, Robert Spurlin was  
6 appointed commissioner.

7 Q. All right, sir. Subsequent in time,  
8 did you serve as executive director when Mark David  
9 Goss was chairman?

10 A. For a period of time, yes. Several  
11 months, I think.

12 Q. And that would have been in the spring  
13 of 2004?

14 A. Mm-hmm.

15 Q. All right. And did you serve as  
16 executive director with Commissioner Ellen Williams?

17 A. For a very brief period of time. I'd  
18 say a month, something like that.

19 Q. All right. And that would have been  
20 sometime in May of 2004?

21 A. Mm-hmm.

22 Q. April, May?

23 A. Yeah, April, May. It could have been  
24 longer than a month. I left effective first of June.

25 Q. Have we named all of the persons who

1 would have been commissioners during your tenure as  
2 director?

3 A. I think so.

4 Q. All right, sir. Now, let's go back  
5 and deal specifically with the LG&E and KU rate  
6 cases, which is, as you know, the focus of the Public  
7 Service Commission's investigation in terms of  
8 retaining me. And do you have a recollection, first,  
9 of when they were first filed?

10 A. No.

11 Q. I will help you.

12 A. Okay.

13 Q. November -- late November of 2003,  
14 LG&E and KU officially filed the rate case. Is that  
15 consistent with your recollection?

16 A. Yeah. I have no cause to dispute  
17 that.

18 Q. All right, sir. And let me first ask  
19 you, using that time frame as your focus, do you  
20 recall having learned that LG&E and KU were going to  
21 file a rate case prior to their actual filing?

22 A. Well, generally the rate case like  
23 this, they give a notice of intent that precedes the  
24 actual filing. But I'm not sure I'd recall even the  
25 notice of intent, assuming they did that.



1 Q. All right, sir.

2 A. Did -- would I have had any  
3 conversational knowledge that -- yes, probably, that  
4 they needed -- would seek a difference in rates,  
5 yeah. I mean, it was -- I think the LG&E people  
6 would, as a matter of conversation say, you know,  
7 they're going to have to do something about their  
8 rates.

9 Q. All right. And do you have a specific  
10 recollection of being advised that?

11 A. Huh-uh.

12 Q. You do not.

13 A. Huh-uh.

14 Q. Fair enough. If you were advised of  
15 that, who would be the people at LG&E and KU that  
16 would have communicated to you?

17 A. Well, Mike Beer would have been the  
18 person who could, you know -- whose position it would  
19 be in relationship to the -- in relation to the  
20 commission to give notice that -- you know, that they  
21 were, you know, kind of formally or -- he would be  
22 the guy who would say, "We are going to put together  
23 the rate case."

24 Q. But you don't have a recollection of  
25 him having communicated that to you?

1           A.       Not specifically. But I guess because  
2 of my relationship with George Siemens, it might have  
3 been something in passing that George would have  
4 mentioned to me that they intended to. But, you  
5 know, again, that's not George's arena, but Mike Beer  
6 would be the fellow, the executive with LG&E who --  
7 that you pay attention to.

8           Q.       You do not have a recollection of  
9 George Siemens having communicated that to you.

10          A.       Just generally probably George did.

11          Q.       Now, prior to the actual filing of the  
12 rate cases, did you develop an understanding of some  
13 issues with regard to North American Stainless and  
14 KU?

15          A.       Yes.

16          Q.       Okay. And just briefly, what was your  
17 understanding?

18          A.       I think if I've got this right, North  
19 American Stainless sought some staff assistance in  
20 interpreting rates under which -- I think it's KU --  
21 was charging for their melting furnace for making  
22 steel.

23          Q.       Subsequent --

24          A.       And they --

25          Q.       Go ahead.

1           A.       Well, that -- I was contacted by Bill  
2 Jones and Smitty Taylor, and they had this tariff  
3 that had been filed that dealt with how they were  
4 charged for electric rates. And frankly, they didn't  
5 understand it, and so they wanted some staff  
6 assistance in interpretation of the tariff. So I put  
7 them together with staff, yeah.

8           Q.       Did you subsequently become aware of  
9 the fact that they filed a complaint against KU?

10          A.       Yes.

11          Q.       Okay. And were you also aware of the  
12 fact that KU filed for a tariff with the Public  
13 Service Commission as a result of the filing of the  
14 complaint? And the reason I bring this to you is  
15 having been aware of the complaint, were you aware of  
16 the fact that the complaint and the tariff were  
17 subsequently consolidated with the two rate-making  
18 cases, one by LG&E and one by KU?

19          A.       I had forgotten that, yes, but I think  
20 that was an issue in the rate case. The -- the --  
21 what happens, just as an observation about rate  
22 cases, is that there are all kinds of issues that get  
23 rolled into a rate case that -- the utility is in  
24 here seeking -- seeking rates, particularly under the  
25 way in which this rate case was handled by -- by

1 agreement -- by agreement of the parties. If you can  
2 get your -- your client's issue on the table, the  
3 rate case often becomes an opportunity to settle  
4 attendant issues as well as deal with the major  
5 issues of rates, and which was -- in this particular  
6 rate case was true of the low income folks, the  
7 advocates for low income energy assistance.

8 I'm trying to think of some of the  
9 other -- other attendant type issues that get drawn  
10 into -- into a rate case. But I had forgotten that,  
11 but, yes, I think I was aware that North American  
12 Stainless issue -- I think they were trying to  
13 negotiate it outside the commission's arena, but I  
14 don't think they were able to come to any agreement  
15 on it.

16 Q. Let's focus again back on that time  
17 period after the rate case was filed. Do you recall  
18 a team being put together by the Public Service  
19 Commission to deal with the two rate-making cases?

20 A. That was pretty standard practice here  
21 at the commission. I mean, the -- we dealt with  
22 cases by team.

23 Q. All right, sir.

24 A. Yes, and I'm -- yes, I'm confident --

25 Q. Just generally, for the purpose of

1 your statement, do you have a recollection of the  
2 resources -- strike that.

3 Do you have a recollection of the  
4 people who were put on the LG&E/KU team?

5 A. Oh, I can -- I don't really, but I  
6 could almost piece it together, the type of case it  
7 was. I'm sure Richard Raff was the -- Raff was the  
8 lead attorney. I'd say Isaac Scott was probably the  
9 chief guy from financial analysis. No, offhand, I  
10 don't know the other --

11 Q. I take it, then, that Tom Dorman did  
12 not appoint the team.

13 A. No.

14 Q. Who would have appointed the team?

15 A. The directors. The various division  
16 directors make decisions about who from their  
17 division will participate in the case.

18 Q. Who decides which divisions will  
19 participate?

20 A. Well, I guess it's -- it's a matter  
21 of -- you know, sometimes the executive director  
22 would say, "Financial analysts, don't you think you  
23 ought to participate? But generally it was, again,  
24 up to the division director saying, you know, "We  
25 have issues" -- "we have knowledge of issues in this

1 case and we think, therefore, we'll participate." I  
2 mean, it's so routine around here. I mean, you  
3 generally know what type of case it is and you know  
4 what resources you need to help.

5 Q. So that we're clear, you did not  
6 appoint the team.

7 A. No.

8 Q. All right. Did you ever meet with the  
9 team in their deliberations as a team?

10 A. I'd have to go back and -- you know,  
11 kind of the way I would operate would be sometimes --  
12 certainly in rate cases I did not participate in the  
13 deliberation. Very rarely in a rate case would I  
14 participate in the deliberation because it's kind of  
15 outside my expertise, but that is not to say I  
16 wouldn't wander into a team meeting and just get a  
17 flavor of what's going on.

18 Q. Okay. Well, let me ask you  
19 specifically: One, do you have a recollection of  
20 having been invited to or participated in a team  
21 member meeting on LG&E and KU cases?

22 A. I -- I don't remember a team meeting  
23 as such. I do remember, as we got closer to the --  
24 leading up to the date of the hearing, and there were  
25 meetings going on between the parties to negotiate

1 issues, not that I was invited, but I -- there were a  
2 couple of those I wandered into just, again, to get a  
3 flavor for what's going on.

4 Q. All right. And when you say you  
5 wandered in, do you believe you wandered into a  
6 negotiating session where all persons were present?

7 A. Yes, yeah. It was everybody, and I  
8 just wanted to get a feel for what was being  
9 discussed.

10 Q. All right. We'll come back to that in  
11 a minute.

12 A. Okay.

13 Q. And so that you see the time frame,  
14 the case -- cases are actually filed late  
15 November 2003. The first informal conference, which  
16 I understand is the kickoff --

17 A. Right.

18 Q. -- of the actual hearing process,  
19 occurred on April the 28th, 2004.

20 A. Okay.

21 Q. Now, between the filing of the rate  
22 case and April 28, 2004, do you have a recollection  
23 of having participated in any team meetings with the  
24 staff?

25 A. No.

1           Q.       Okay. And let me give you the persons  
2 who were on the team. You have correctly observed  
3 that Mr. Raff --

4           A.       Right.

5           Q.       -- was on the team and Mr. Isaac  
6 Scott --

7           A.       Right.

8           Q.       -- representing the revenue  
9 requirements --

10          A.       Right.

11          Q.       -- parts of it.

12                   Ms. Andrea Edwards, Mr. Faud Sharifi,  
13 Mr. -- where is Jeff -- Jeff Shaw --

14          A.       Mm-hmm. He was a regular --

15          Q.       -- Martha Morton --

16          A.       Yes, from engineering.

17          Q.       -- were also members of the team.

18                   In addition, Mr. Blakley also  
19 performed some function.

20          A.       Okay.

21          Q.       Now, having recited those team members  
22 to you, I presume your answer is still the same?

23          A.       Yeah.

24          Q.       You do not remember participating in  
25 any of their deliberations.



1 A. (Shakes head from side to side).

2 Q. Okay. Now, as I understood your prior  
3 testimony, part of your duties are procedural in  
4 nature to move the case along in a rate case. Does  
5 that mean you would have been aware of when testimony  
6 was prefiled and/or document requests sent out and  
7 those sort of procedural things?

8 A. No, not really. I mean, it would  
9 be -- there were times where something of that nature  
10 would be brought to my attention, but routinely not.  
11 I mean, it's filed --

12 Q. That is handled by the team member?

13 A. Yeah. Well, it's handled by the  
14 division of filings, yeah.

15 Q. All right. Getting the information  
16 is --

17 A. Receiving the information, making it  
18 part of the record, giving notice when certain dates  
19 would -- were to trigger responses on parties of the  
20 case, all that is handled by the filings division.

21 Q. All right, sir. Now, again, going  
22 back to our time line, April 28, 2004 was the  
23 informal conference. What is your understanding of  
24 what the purpose of an informal conference is?

25 A. Generally the initial informal

1 conference is to get the parties to agree to a  
2 procedure.

3 Q. Okay. Did you participate in an  
4 initial informal conference?

5 A. I don't remember.

6 Q. All right, sir.

7 A. I mean, I -- this job was meetings all  
8 day long.

9 Q. All right.

10 A. I mean, did I -- specifically this  
11 case, I mean --

12 Q. Yes, specifically in this case.

13 A. I met with those people several  
14 times -- groups like that several times a week on  
15 different issues, you know.

16 Q. But you have no recollection --

17 A. No.

18 Q. -- of having participated --

19 A. No.

20 Q. -- in the informal conference of  
21 April 28, 2004?

22 A. No, no.

23 Q. I'm also representing to you that the  
24 next week was the week that hearings were set for the  
25 LG&E/KU case, along with the consolidated items that

1 had been from the North American Stainless case.  
2 There was a prehearing conference on May the 3rd,  
3 2004, which is the first of the week. Did you by  
4 chance attend that?

5 A. I don't recall.

6 Q. All right, fair enough. Then on  
7 May 4th, 5th and 6th, a hearing was scheduled. But  
8 instead of hearing all day long, there was part  
9 hearings and part negotiation.

10 A. Right.

11 Q. Do you have a recollection of that?

12 A. Yes, because we were trying to  
13 accommodate sidebar negotiations. They needed rooms  
14 to meet in.

15 Q. All right, sir.

16 A. So that -- that was a duty that fell  
17 to the executive director.

18 Q. All right. And using the dates May 4,  
19 May 5, May 6, do you have a recollection of, first,  
20 having participated in any conferences with just the  
21 team, the team alone?

22 A. Not offhand, but that's not to say I  
23 didn't sit in on something to -- again, to get a feel  
24 for, you know, what -- how this thing was proceeding.  
25 I just don't recall.

1           Q.       And do I take it that you were aware  
2 that there were negotiations -- in addition to time  
3 for actually putting on proof, there were ongoing  
4 here at the commission --

5           A.       Yes, yes. I think there were several  
6 issues that were being negotiated.

7           Q.       All right. Now, you had made  
8 reference that you were, quote, in and out of some of  
9 these negotiating sessions. Am I correctly  
10 quoting --

11          A.       I'm not -- I don't -- I didn't really  
12 wander into a negotiation session between, say, LG&E  
13 and the low income advocates. I didn't feel I could  
14 do that. I didn't want to interfere with whatever  
15 negotiation was going on, but I do recall one, maybe  
16 two where it was all parties participating in the  
17 small hearing room downstairs, and the issues were  
18 being put out on the table and the parties were all  
19 kind of posturing, stating their positions.

20          Q.       Okay.

21          A.       I do recall wandering in and out of  
22 one or more of those.

23          Q.       All right, sir. Do you have a  
24 recollection they occurred on a series of days?

25          A.       No.

1           Q.       When you say you would wander in and  
2 out, how long were you typically --

3           A.       Probably the longest I'd sit in there,  
4 maybe 30 minutes.

5           Q.       Okay. And do you believe that you  
6 were in the negotiating room, the large room with  
7 everybody, on each of May 4th, May 5th and May 6th or  
8 just once?

9           A.       I have a recollection of once sitting  
10 in the back of that room. There may -- there may  
11 have been a second time, but I -- my recollection  
12 would also be that I don't remember anybody agreeing  
13 to anything while I was sitting there.

14          Q.       Fair enough. You would describe it at  
15 that point when you were there for 30 minutes as  
16 fairly contentious?

17          A.       Yeah, yeah.

18          Q.       All right.

19          A.       Yeah. No more than they usually are  
20 around here.

21          Q.       All right, sir. Does that indicate to  
22 you -- well, let me rephrase that.

23                   Other than sitting there for  
24 30 minutes on one occasion, do you have a  
25 recollection of having been in the large negotiating

1 room on more than one occasion?

2 A. The large negotiating room meaning  
3 the --

4 Q. Where all the parties were.

5 A. The --

6 Q. Where you were sitting for 30 minutes.

7 A. Yeah. No, that's -- again, there --  
8 that's the room I remember.

9 Q. All right.

10 A. And I may have been there on two  
11 occasions.

12 Q. Okay.

13 A. But at least once.

14 Q. All right. But it's a fair statement  
15 to say you really did not know the state of the  
16 negotiation on May 4th, 5th and/or 6th. Am I  
17 correct?

18 A. Yes.

19 Q. Okay.

20 A. I mean, I would -- in just wandering  
21 around, or having a cigarette out front, in passing I  
22 would say to one of the parties standing out there,  
23 "How is it going? Are you-all getting any closer?"  
24 And I probably got as much understanding about, you  
25 know, where the -- what the status of the

1 negotiations through that process as I would have by  
2 participating or hearing, sitting in on a meeting.

3 Q. But again, so that I'm clear, one, you  
4 really did not participate in the negotiation.

5 A. No.

6 Q. You had no official function in the  
7 negotiation. Am I correct?

8 A. You're correct.

9 Q. Okay. And that everything that you  
10 learned about the negotiation was more anecdotal than  
11 anything else.

12 A. Yes.

13 Q. Okay. You really did not know the  
14 content of the negotiations.

15 A. No, no. The particulars of what's at  
16 hand, what's being -- what are they close on?

17 Q. Yeah.

18 A. I knew generally some of the issues  
19 that were being discussed, but where they were, you  
20 know, what was agreed to and what had been set aside  
21 on any given date, no.

22 Q. You did not.

23 A. No.

24 Q. So you knew -- is it a fair statement  
25 to say you knew the issues, but that's all you knew?

1           A.       Yeah.

2           Q.       You did not know any of the resolution  
3 of any of those issues.

4           A.       Not until after it was probably stated  
5 before the commission in hearing. The parties would  
6 come back and say, "We have agreed to." That  
7 generally is the first time I'd hear it.

8           Q.       All right. Do you have a recollection  
9 of when you first heard that the parties had come to  
10 agreement?

11          A.       Well, again, there were several  
12 issues on the -- many issues, actually, on the table  
13 with this thing. Like I said, what I called some of  
14 the attendant issues. Dates, certainly not.  
15 Couldn't tell you what date or what time of the day  
16 that I found out that the low income --

17          Q.       Were you in the hearing room -- were  
18 you in the hearing room -- what I'm looking for is  
19 the total agreement.

20          A.       Oh, no, I don't recall that.

21          Q.       All right. Were you in the hearing  
22 room when it was announced?

23          A.       I don't remember.

24          Q.       Okay.

25          A.       You know, I could have been in my



1 office watching it on the monitor.

2 Q. Fair enough.

3 A. Yeah.

4 Q. You have no recollection as you sit  
5 here today of having been in the main hearing room,  
6 or what I would call the courtroom here in the -- at  
7 the Public Service Commission when it was announced  
8 to the chairman that an agreement had been reached.

9 A. That's not to say -- I don't recall  
10 it. That's not to say I wasn't in there.

11 Q. Fair enough.

12 A. Yeah.

13 Q. Okay. Now, tell me who you recall, as  
14 best you can, were the actual parties involved in the  
15 proceeding other than, obviously, LG&E and KU, and  
16 we've talked about North American Stainless.

17 A. Well, there was a group of low income  
18 advocates. I've mentioned them several times.

19 Q. Okay.

20 A. I remember the U.S. Defense Department  
21 on behalf of Fort Knox as a client of --

22 Q. As an intervener?

23 A. As an intervener party in the case on  
24 behalf of Fort Knox.

25 Q. Anyone else that you recall before I

1 refresh your memory a little bit?

2 A. No. There probably are some more.

3 Q. Okay. Are you familiar with the  
4 organization KIUC?

5 A. Oh, I'm sorry, of course. They --  
6 they're regulars in rate cases. Yes, I do recall.

7 Q. They are a combination of -- or an  
8 association of end users of power, are they not?

9 A. Large industrial users, yes.

10 Q. All right, sir. And do you have a  
11 recollection that they participated?

12 A. Yes. Yes, they did.

13 Q. Okay. And I presume you have a  
14 recollection the attorney general participated?

15 A. Oh, yes, yes.

16 Q. As I understand it, the attorney  
17 general and his staff are regular interveners in  
18 rate-making cases.

19 A. In large electrical cases, yes,  
20 they're regulars, yeah. There are a lot of cases  
21 they don't intervene in.

22 Q. All right, sir. Anybody else you can  
23 recall?

24 A. Huh-uh.

25 Q. Do you have a recollection of the

1 Kroger Company participating?

2 A. Oh, okay. Yes. Okay. Now that you  
3 mention it, yes, I remember Kroger.

4 Q. Okay. Now, do I take it there was a  
5 large group of people?

6 A. Mm-hmm.

7 Q. And they were here over at least  
8 May 3rd through May 6th. And I'm further  
9 representing to you that they came back on May 12th  
10 of --

11 A. I have no reason to dispute that.

12 Q. Okay. I take it that you came into  
13 contact with these people while they were in the  
14 building --

15 A. Sure.

16 Q. -- during the process of negotiations.

17 A. There are many of them that I've known  
18 over the years because they're regulars here at the  
19 commission.

20 Q. Okay. And that you did not yourself  
21 participate in any of the sidebar discussions between  
22 individual groups and their issues with LG&E and KU.

23 A. No. I did not think it would be  
24 appropriate for me to do that at all.

25 Q. All right. So is it fair to say that

1 in terms of the sum and substance of both the  
2 agreement and most of the content of the  
3 negotiations, you, as Tom Dorman, knew very little of  
4 the actual --

5 A. Yes.

6 Q. -- substance of the discussion?

7 A. General knowledge of some of the  
8 issues being dealt with, but, no, the -- yeah, the  
9 sum and substance, the -- the meat of the  
10 negotiation, no, I wouldn't --

11 Q. All right, sir. Now, let's go back a  
12 little bit in time, and tell me about your  
13 relationship, if you will, with LG&E and KU  
14 personnel. We've talked about Mr. Siemens and I want  
15 to come back to him. I take it Mr. Siemens was in  
16 some form or another employed by LG&E as a public  
17 relations person or government --

18 A. Public relations, governmental  
19 relations, yeah.

20 Q. And to your knowledge, how long had he  
21 been employed by LG&E in that capacity?

22 A. Well, I'm not sure I recall that. I  
23 think George was probably an LG&E employee going back  
24 as far as the time I was a commissioner.

25 Q. All right, sir.

1           A.       But I don't think he had quite the  
2 position then as he grew to have in the organization.

3           Q.       Do you know his official title?

4           A.       Vice president for something.

5           Q.       Okay. Had you -- prior to the filing  
6 of the rate case, had you worked with Mr. Siemens in  
7 his capacity at LG&E and your capacity as executive  
8 director of the PSC? Did you work with him --

9           A.       Oh, yeah. I've known George since he  
10 was a legislator. I knew his dad when he was a  
11 legislator.

12          Q.       What kind of issues had you worked  
13 with him on? And again, I'm focusing in on the time  
14 when you were executive director and in his capacity  
15 at LG&E.

16          A.       Mainly it was over legislative issues,  
17 yeah, matters before the General Assembly.

18          Q.       All right. And do you have a  
19 recollection of what kind of issue?

20          A.       Well, they were involved certainly in  
21 the legislation that set up the board that grants  
22 permission for the assigning of power plants. A lot  
23 of --

24          Q.       Is that issue euphemistically known as  
25 the merchant power plant issue?

1           A.       Yes. Merchant power plant. I call  
2 them independent power producers. But merchant --  
3 merchant power is another way.

4           Q.       Do you have a recollection of having  
5 worked with him on that issue?

6           A.       Oh, yeah. As were all of the electric  
7 utilities, investor owned as well as the co-ops.  
8 All -- everybody in the power industry was involved  
9 in that issue, yeah.

10          Q.       All right, sir. And that issue was --  
11 first came to fore in the legislative session of  
12 2000. Am I correct?

13          A.       That sounds right.

14          Q.       All right, sire. As I understood that  
15 issue -- because I don't want to take a lot of time  
16 with it -- it was a situation where investors were  
17 coming in, creating small power plants, hooking up to  
18 what is known as the grid --

19          A.       Right.

20          Q.       -- and siphoning off power that could  
21 have gone to the citizens of the Commonwealth.

22          A.       No. They were proposing to generate  
23 power and sell it on the market. And generally they  
24 wanted to take advantage of the grid built by the  
25 Kentucky Utilities to ship power out of state to

1 whatever buyer they could -- could contract with. It  
2 was -- the issue was -- the issues were putting  
3 strains on the electric grid built by Kentucky  
4 Utilities, not -- utilities of the Commonwealth, as  
5 well as some environmental and siting issues.  
6 Depending upon the type of facility, would a  
7 coal-fired plant use up a certain amount of air that  
8 would restrict the ability -- to put certain -- I say  
9 use up -- put certain pollutants in the air that  
10 would restrict not only Kentucky-based utilities from  
11 adding additional generation or even some Kentucky  
12 industries from expanding or constructing new  
13 facilities --

14 Q. All right.

15 A. -- because these out-of-state folks  
16 were --

17 Q. Fair enough. And I take it you worked  
18 with Mr. Siemens and LG&E personnel on that  
19 particular issue.

20 A. Yes, as well as AEP, all the -- all  
21 the investor owns as well as the GNTs for the co-ops.

22 Q. And with regard to Mr. Siemens, I take  
23 it you had been personal friends with him for a  
24 number of years?

25 A. Yes, known George a number of years.

1 Q. Okay. And were you social friends?

2 A. Yes.

3 Q. How often would you have social  
4 contact with him?

5 A. Well, you say "social contact." I  
6 mean, you know, there were times that we -- my  
7 girlfriend and I have been out to dinner with George  
8 and his wife. But most of my social contact with  
9 George is, you know -- we're both political animals.  
10 We talk a lot of politics. Especially during  
11 legislative sessions, there were after hours kind of  
12 sitting around talking about what -- the politics of  
13 what's going on in Frankfort.

14 Q. Was it usual for you to communicate  
15 with him on political issues and/or other social  
16 issues on a regular basis?

17 A. Yeah, we talked pretty frequent.

18 Q. When you talked, would you talk by  
19 telephone or would he come by the office or both?

20 A. He occasionally would come by the  
21 office. We'd talk a little bit by phone, but  
22 generally I'd stop by the offices they have over on  
23 Shelby Street. And seldom was I the only person  
24 there. A few times it would be just the two of us,  
25 but there what was generally a crowd over there. And



1 I would not only get to talk with George, but some of  
2 the other people who are in town during a legislative  
3 session.

4 Q. Okay. Now, going back to our time  
5 frame of the filing of the LG&E/KU rate cases, do you  
6 recall visiting Shelby Street, 718 Shelby Street, as  
7 I recall?

8 A. I'm not sure of the number, but  
9 Shelby -- commonly referred to as Shelby Street.

10 Q. And that is the office -- or a office,  
11 if you will, of LG&E?

12 A. As well as several other groups that  
13 have legislative interests. AEP, Kentucky Power, has  
14 an office there. The Kentucky Rural Water  
15 Association had an office in the same building.  
16 Kentucky Petroleum Council had an office in the same  
17 building. So the number of legislative interest  
18 groups that shared this suite -- had offices in this  
19 grouping of offices.

20 Q. Do you have a recollection of having  
21 visited the Shelby Street location shortly before or  
22 after the filing of the rate cases through the final  
23 resolution in May of 2004? When I say "final  
24 resolution," the settlement agreement?

25 A. (Shakes head from side to side).

1 Q. You have no present recollection?

2 A. No.

3 Q. But it would not be surprising if you  
4 were --

5 A. No, right. I couldn't --

6 Q. -- in and out of there on a regular  
7 basis?

8 A. Right, yeah. That's not to say I  
9 didn't, but I don't have any recollection of doing  
10 it.

11 Q. Do you have a recollection of having  
12 discussed with Mr. Siemens and/or any other LG&E/KU  
13 personnel the rate-making case while at 718 Shelby  
14 Street?

15 A. No.

16 Q. Okay. All right, sir. Now, do you  
17 have --

18 A. Just -- if it was, it would have been  
19 so general, you know, like, "How's it going? Are  
20 you-all coming to some resolution?"

21 Q. But you have no present recollection.

22 A. No.

23 Q. All right. Now, do you have a  
24 recollection of having visited 718 Shelby Street  
25 during the time this hearing process that we've

1 talked about was occurring? And again, let's call it  
2 April 28, 2004 through May 12.

3 A. No, I don't have -- I couldn't -- no,  
4 I don't recall doing it on that date, no.

5 Q. In addition to Mr. Beer and  
6 Mr. Siemens, did you come in contact with other  
7 LG&E/KU personnel?

8 A. Oh, I'm trying to --

9 Q. And again, I'm looking at this time  
10 period, filing of the rate case, November of 2003  
11 through May of 2004.

12 A. No, other than the LG&E and KU people  
13 that would have been here at the commission during  
14 those proceedings. Those are the people I would have  
15 run into.

16 Q. Okay. Do you have a recollection of  
17 who they would be other than outside counsel?

18 A. Oh, you know, it's the usual cast of  
19 characters. Vic Stafferi I think was probably here.  
20 I'm trying to think. You know, all -- for a rate  
21 case of this nature, I mean, all the big executives  
22 show up.

23 Q. All right. Do you have a recollection  
24 of having communicated with them?

25 A. If it is, it's, you know, in passing,

1 "How are you doing?" you know.

2 Q. All right. Now, again, using this  
3 time frame, it's my understanding that you would from  
4 time to time, in addition to having contact with  
5 Mr. Siemens and LG&E/KU people at 718 Shelby Street,  
6 you'd also run into them at various seminars and  
7 conventions --

8 A. Yes.

9 Q. -- that you attended.

10 A. Yes.

11 Q. And again, focusing in on this time  
12 period, I'm aware that there was a NARUC convention  
13 in Denver, which I believe would have been in  
14 November of 2003, and then -- I misspoke, August 4th,  
15 2003.

16 A. Okay.

17 Q. All right. And then a NARUC  
18 convention in Washington, D.C., in March of 2004.  
19 Using that as time frame, do you recall first  
20 attending the Denver convention?

21 A. Yes, I attended Denver.

22 Q. Okay, in August 2003.

23 A. I think that was the day.

24 Q. Do you have a recollection of  
25 Mr. Siemens and/or Mr. Beer or other LG&E/KU

1 personnel being present?

2 A. There usually were. Mike generally  
3 was at all of them. George didn't always attend  
4 NARUC.

5 Q. Do you have a recollection of the  
6 Denver --

7 A. Who was at Denver?

8 Q. Yes, sir.

9 A. No, I sure don't.

10 Q. Okay.

11 A. I'm pretty confident Mike would have  
12 been there.

13 MR. GOLDBERG: And for the court  
14 reporter's identification, that's an acronym, and  
15 it's spelled N-A-R-U-C, as compared to SEARUC, which  
16 is S-E-A-R-U-C.

17 All right. But the two I'm asking  
18 about are both NARUC.

19 A. Right.

20 Q. All right. Do you have a recollection  
21 at the Denver convention of discussing the LG&E rate  
22 case or the potential of a rate case with anybody,  
23 that is, prior to filing of an actual rate case?

24 A. You know, a specific recollection, no.  
25 I guess I had -- going back to some questions

1 earlier, did -- did I have a heads-up that they  
2 intended to file a rate case? And what was the  
3 source of that? I don't remember. But I think  
4 generally I had knowledge that they intended to come  
5 in with a rate case.

6 Q. Let's pursue that. Did anyone from  
7 LG&E and KU come to your office or come here to the  
8 PSC to announce that there would be a rate case to be  
9 filed by LG&E and KU sometime in the future?

10 A. Boy.

11 Q. If you have a recollection, yes, if  
12 not, not.

13 A. You know, on that specific case?

14 Q. Yes, sir.

15 A. Not really. That's not to say they  
16 didn't do it because, you know, it was pretty  
17 customary to give the executive director a heads-up  
18 that they intend to file some sort of case, whether  
19 it's rates or, you know, construction or --

20 Q. Do you have any knowledge of whether  
21 they gave other parties, in addition to the  
22 commission, a prenotification that they would seek a  
23 rate increase?

24 A. Oh, you mean potentially some of the  
25 other parties in the case?

1 Q. Yes, sir.

2 A. Yeah, I think that was sometimes --  
3 that was good politics on the part of the utility to  
4 let the potential parties to a case know that they're  
5 going to file something formally with the commission.  
6 So I --

7 Q. Do you know whether or not they did  
8 that in this case?

9 A. I don't know that they did it, but I  
10 would say that was good politics on their part if  
11 they did it.

12 Q. Let's turn to the Washington NARUC  
13 convention, which would have been March 18, 2004. Do  
14 you have a recollection of Mr. Siemens being present  
15 there?

16 A. Not specifically. I would say that  
17 George -- it was more likely for George to go to  
18 Washington because that was one of the arenas that he  
19 dealt with, so I'd say likely he was.

20 Q. All right. Do you have a specific  
21 recollection of Mr. Beer being there?

22 A. I'd say -- Mike seldom missed those  
23 meetings, so I'd say he was there. But a specific  
24 recollection -- it's so easy to forget this stuff.

25 Q. Fair enough. It is. And again, if

1     you don't recall --

2             A.       Right.

3             Q.       -- please tell me you don't recall.

4             A.       Okay. Fair enough.

5             Q.       Now, let me ask you one more general  
6 question about the Washington NARUC convention. Do  
7 you have a recollection of talking to anybody from  
8 LG&E/KU at the Washington NARUC convention?

9             A.       If they were there, I talked to them.

10            Q.       All right. But do you have a specific  
11 recollection?

12            A.       No.

13            Q.       All right. Now --

14                    MR. CULL: On all these, Tom, if you  
15 don't know, that's what you say. You don't say it  
16 could have happened.

17                    THE WITNESS: Okay.

18            Q.       Okay. Now, let's go back to November  
19 of 2003. Was the legislature in session? It would  
20 not have been in session in November of 2003, would  
21 it?

22            A.       Would not have been unless it was a  
23 special -- special session, and I don't recall that.

24            Q.       But as part of the process, certain  
25 committees meet --



1 A. Oh, constant.

2 Q. -- on a nonstop basis, ongoing basis.  
3 Am I correct?

4 A. Correct.

5 Q. Okay. So it would not have been  
6 unusual for something that the PSC and/or LG&E was  
7 interested in to be ongoing before a particular  
8 subcommittee or committee, correct?

9 A. Correct.

10 Q. Okay. Now, I want to take you back to  
11 before -- right before Thanksgiving week 2003 and a  
12 meeting between yourself and Mr. Siemens at a  
13 well-known establishment known as the Dragon. Do you  
14 know the establishment known as the Dragon?

15 A. Here in Frankfort?

16 Q. Yes, sir.

17 A. I know the establishment, and I never  
18 recall a meeting with George in the Dragon.

19 Q. All right, sir. Now, if you don't  
20 recall it, you don't recall it.

21 A. I don't recall it.

22 Q. All right. And you have no  
23 recollection of him communicating to you that there  
24 was going to be a filing or that the filing was  
25 actually made for the two rate cases. Am I correct?

1           A.       I don't recall.

2           Q.       All right. Fair enough. Now, let's  
3 go back to internally. Do the commissioners, prior  
4 to actually hearing a rate case, meet with the staff  
5 team or is that done at some other time? Again, my  
6 question is prior to the actual hearing.

7           A.       Yes. I mean, the -- the team would --  
8 yes. The team -- yes. There was -- actually there  
9 would be a series of meetings leading up to the  
10 actual hearing.

11          Q.       All right, sir.

12          A.       The team would advise the commission  
13 on what's been filed and what are the issues at hand  
14 and what sort of additional information they're  
15 seeking from the utilities and -- and would brief the  
16 commission on what are the issues that will be  
17 presented, dealt with. No, that's -- there normally  
18 are a series of meetings to bring -- bring the  
19 commissioners' knowledge level up to speed for the  
20 hearing.

21          Q.       All right, sir. And to short circuit  
22 our ability to work our way through this, it's my  
23 understanding that after the filing of a rate case  
24 petition, that a -- two things are being filed with  
25 the commission prior to the actual hearing. Prefiled

1 testimony.

2 A. Mm-hmm.

3 Q. And obviously responses to requests  
4 for information.

5 A. Mm-hmm.

6 Q. And in a case as complicated as this,  
7 there could have been numerous requests after  
8 information is obtained, subsequent requests having  
9 been made. Am I correct?

10 A. Correct.

11 Q. Okay. Now, are you communicating that  
12 there would have been team meetings to -- with regard  
13 to the LG&E and KU case, to discuss the information  
14 obtained and/or testimony prefiled prior to the  
15 actual hearings?

16 A. Yeah. The -- again, it was the --  
17 it's generally to help the commissioners understand  
18 what are the issues. Yeah, so they would --

19 Q. And do you have a recollection of  
20 having sat in such meetings? Do you have a  
21 recollection? If you don't, you don't.

22 A. I don't. But --

23 MR. CULL: He's just asking you. You  
24 don't have to speculate.

25 A. That's what I did all day long.

1 Specific meeting?

2 Q. All right. And what I'm trying to get  
3 you to focus in on is whether you had meetings with  
4 the commissioners and the team members about LG&E/KU.  
5 Do you have a specific recollection? If you don't,  
6 you don't.

7 A. I don't.

8 Q. All right.

9 A. But -- okay.

10 Q. Next question is, is that in the  
11 normal course of events if such meetings have been  
12 scheduled, you would have participated.

13 A. Particularly if the commissioners were  
14 there.

15 Q. Okay.

16 A. Yes, I would have been at that  
17 meeting.

18 Q. And I take it that the issues to be  
19 heard are discussed.

20 A. Yes.

21 Q. All right. Now, reflecting on that  
22 for a second and knowing that you subsequently at  
23 least sat in a negotiation session where you believed  
24 you at least understood the issues, using those two  
25 time frames -- is it possible that you didn't learn

1 about the issues sitting in a negotiation session,  
2 you learned about the issues as part of your team  
3 meeting?

4 A. Most likely I would learn about the  
5 issues sitting in on a team meeting.

6 Q. Right.

7 A. More likely than I would picking them  
8 up on a negotiation meeting.

9 Q. But you have no specific recollection?

10 A. (Shakes head from side to side).

11 Q. All right. Fair enough. Now, so that  
12 we're clear, the persons who would have been the  
13 commissioners as of April 28, 2004 through May 12,  
14 2004, would have been Mark David Goss.

15 A. Right.

16 Q. Ellen Williams.

17 A. Correct.

18 Q. Mr. Huelsman?

19 A. Yes.

20 Q. Okay. Mr. Gillis had retired as of  
21 that point in time?

22 A. Had left the commission. I'm not  
23 sure he --

24 Q. Retired from his position at the  
25 commission.

1 A. Yes, yes.

2 Q. And Mr. Spurlin obviously had left as  
3 of that point in time.

4 A. Yes.

5 Q. Do you have a recollection of having  
6 participated with Chairman Goss or Ms. Williams in  
7 any kind of meeting with regard to the LG&E/KU rate  
8 case?

9 A. Specific recollection of it, no.  
10 Again, that's not saying that --

11 Q. All right. If you don't have a  
12 specific recollection, that would be none. Do you  
13 remember ever discussing the LG&E/KU rate case with  
14 either -- with either Mark David Goss or Ellen  
15 Williams, specific recollection?

16 A. Specific recollection, no.

17 Q. Do you have a general recollection?

18 A. I would say, yes. I mean, was I at  
19 meetings where some of the issues were discussed?  
20 You know, I had weekly meetings with just the  
21 commission members. Generally it was all procedural  
22 stuff and administrative stuff with regard to the  
23 commission, but no specific recollection, no.

24 Q. And thus you have no specific  
25 recollection of having talked with Mark David Goss

1 and/or Ellen Williams about the LG&E/KU rate case,  
2 correct?

3 A. Correct.

4 Q. All right. Do you have a specific  
5 recollection of having talked with Marty Hueltsman  
6 about the LG&E/KU rate case?

7 A. (Shakes head from side to side).

8 Q. You do not.

9 A. Specific recollection, no.

10 MR. GOLDBERG: Fair enough. Let's  
11 take a short break.

12 (RECESS)

13 Q. We're back on the record. I'm going  
14 to turn back to page 20 in the ex parte policy for a  
15 moment, if I can, and ask you what your understanding  
16 of some of these terms and conditions is.

17 "1. 'Ex parte communication' means an  
18 oral or written communication which relates to the  
19 merits of a formal proceeding."

20 What's your understanding of the term  
21 "merits", Mr. Dorman?

22 A. That would -- for me that would be the  
23 actual issues in a case. That would be rates. That  
24 would be allowable or disallowable expenses. That  
25 would be the -- the particulars, the issues dealt

1 with.

2 Q. Fair enough. Now, using that as a  
3 standard, do you have a recollection of ever having  
4 had a discussion with George Siemens, Mike Beer or  
5 anyone at LG&E/KU with regard to their rate cases  
6 which was, quote, on the merits?

7 A. No.

8 Q. All right. Did you even have an  
9 understanding of the, quote, merits of the rate case  
10 as filed by LG&E/KU?

11 A. No.

12 Q. Fair enough. Now, did you ever have a  
13 discussion with anyone of the merits of the LG&E/KU  
14 rate cases -- on the merits as you have just defined  
15 it?

16 A. No.

17 Q. Okay. Now --

18 A. You're talking about anybody outside  
19 the commission, right?

20 Q. Yes, sir.

21 A. Yeah, no.

22 Q. I'm sorry, that was -- we should  
23 qualify, of course, outside the commission.

24 A. Right, no.

25 Q. Now, looking at subsection 2 here



1 where it says, "The following types of communication  
2 are not prohibited ex parte communications if such  
3 communication is reasonably limited to the matter at  
4 hand." All right. That was just nice legal  
5 language.

6 A. Right.

7 Q. But parsing it down, subsection A,  
8 "Any procedural inquiry, including prefiling  
9 inquiries."

10 Did you have an understanding of what  
11 was not an ex parte communication under Section 2(A)?

12 A. Yeah. That was -- as I mentioned  
13 earlier, that's what I was continually reminded by  
14 our general counsel was that -- that it was okay to  
15 discuss procedural issues. And that really is the  
16 arena for the executive director is procedure.

17 Q. All right, sir. And when you say  
18 "procedure," what are you referring to?

19 A. Well --

20 Q. What kind of things are you referring  
21 to?

22 A. What would be considering the -- well,  
23 in a rate case, it's kind of out -- it would not have  
24 been what an executive director would do because it's  
25 generally procedure. A lot of procedural issues are

1 just agreed to by the parties in the case. But a  
2 lot -- outside of major rate cases, it often fell to  
3 the executive director to figure out when a hearing  
4 date would be or trying to -- I held weekly meetings  
5 with the division directors to inquire about the  
6 status of cases and to encourage the directors to  
7 move certain cases along. Like with any  
8 organization, there's a tendency for things to  
9 languish. So procedure is to try and keep the docket  
10 flowing, which is the responsibility of the executive  
11 director.

12 Q. With regard to that understanding, did  
13 you ever have any conversations with Mr. Siemens,  
14 Mr. Beer or anyone at LG&E/KU dealing with procedural  
15 issues in the two rate cases that you recall?

16 A. That I recall specifically, no. I  
17 mean, and I would make the observation again about  
18 the LG&E/KU case. It was so big, had so many parties  
19 involved, that so much of it was done by consensus of  
20 the parties, so ...

21 Q. Now, let me ask you the same question  
22 with regard to procedural inquiries by any of the  
23 intervening parties.

24 A. No.

25 Q. Do you have a recollection of having

1 any conversations like that?

2 A. No.

3 Q. And so that we complete the circle, do  
4 you have a recollection of ever having a discussion  
5 on the merits, as we've defined it, with any of the  
6 intervening parties?

7 A. No.

8 Q. All right. And what I'm referring to,  
9 again, is the LG&E/KU rate cases.

10 A. Right.

11 Q. Okay. Did you on occasion, I take it,  
12 during this period of time, November of 2003 through  
13 March -- May of 2004, have opportunity to have lunch  
14 with just you and Mr. Siemens? If you don't have a  
15 recollection --

16 A. No, I don't have a recollection. I'm  
17 trying to think back. Seldom did we just have lunch.  
18 I had lunch with a lot of people, but not -- seldom  
19 with George.

20 Q. Have a recollection of having had  
21 lunch with anyone from LG&E, other than George  
22 Siemens, during that same time period?

23 A. No.

24 Q. Okay. Do I take it you did not have  
25 the same friendship and/or social relationship with

1 Mr. Beer that you did with Mr. Siemens?

2 A. Except in the NARUC atmosphere. I  
3 mean ...

4 Q. Are you telling me that you would  
5 spend time with him socially --

6 A. Socially in -- in -- at NARUC meetings  
7 I would spend time with Mike, yes.

8 Q. Okay. Was Mr. Beer one of those  
9 persons that you would telephone and talk politics  
10 with?

11 A. No.

12 Q. Okay. And while it may not have come  
13 clearly out in your -- previous portions of your  
14 statement, did you have occasion to call Mr. Siemens  
15 and talk about politics from time to time?

16 A. Sure, yes.

17 Q. Okay. Did you find Mr. Siemens to be  
18 an active follower of the political scene here in the  
19 Commonwealth?

20 A. Yes.

21 Q. Is it a fair statement to say that you  
22 and he had that same interest?

23 A. Yes.

24 Q. Now, taking yourself back in time to  
25 the spring of 2004 -- and I want to be specific

1 again. I have identified April 28, 2004 through  
2 May 12th, 2004 as the time period beginning with  
3 informal conference through resolution by agreement  
4 of the two rate cases. Using that as a time frame,  
5 do you have a recollection of a time when there was  
6 total agreement amongst the parties, including the  
7 attorney general, on all facets of the rate cases?

8 A. Well, I -- at some point in time they  
9 did with the exception of -- there appeared to be  
10 agreement on the part of the attorney general's staff  
11 with the other parties in the case.

12 Q. Tell me what you recall of that whole  
13 chain of events.

14 A. Well, Dennis Howard and Elizabeth  
15 Blackford, I believe is her name, were generally  
16 assigned rate cases, electric cases from the attorney  
17 general's staff. And they were -- they were the ones  
18 who actively participated in the proceedings here at  
19 the commission in the LG&E/KU case. And they were  
20 the regulars, again, on behalf of the attorney  
21 general in electric cases.

22 It was unusual, again, for the  
23 attorney general to personally participate in rate  
24 cases. And actually I sensed a little bit of  
25 frustration on the part of his own staff. Again,

1 this is just, you know, standing around the halls or  
2 standing out in front of the building trying to get a  
3 flavor of what's going on. A little bit of  
4 frustration that -- on the part of his own staff,  
5 that he had interjected himself into the  
6 negotiations.

7 I got a sense, talking to Dennis one  
8 day -- he would probably be mad at me for repeating  
9 it, but I got a sense that what he thought -- he and  
10 Becky thought were -- Elizabeth thought were not  
11 major issues in dispute, their boss thought  
12 differently. And -- but he was the boss, and I think  
13 ultimately he made some personal decisions, or he  
14 individually made some decisions about the -- their  
15 position in the case. Is that responsive to your  
16 question?

17 Q. Yes, sir.

18 A. Okay.

19 Q. Do you recall a time when the attorney  
20 general came to the PSC during this same time period,  
21 April 28th, 2004, through May 12th, 2004, and  
22 expressed certain opinions about the rate case?

23 A. Yes. I mean, I don't remember the  
24 specific date he appeared, but it would have been  
25 within that time frame. And I can remember watching

1 Greg standing out in front of the commission with all  
2 kinds of media cameras in front of him making  
3 statements to the press about the rate case.

4 Q. Okay. Do you recall the sum and  
5 substance of his statement?

6 A. I don't -- no. I -- the -- I -- I  
7 guess what really caught everybody's attention was  
8 not -- I can't recall the specific statements he made  
9 to the TV reporters out front, but I remember --  
10 though I did not hear it directly, I remember the  
11 reaction on the part of not only the commission staff  
12 but the parties in the case when -- when Greg got on  
13 a radio talk show over in Lexington and alleged that  
14 there was collusion going on in the making of the  
15 rate case. And there was -- you know, everybody, I  
16 think was really surprised that he would make such  
17 statements.

18 Q. All right, sir. So that we have all  
19 the players identified, in addition to Mr. Siemens  
20 and Mr. Beer being involved in the rate-making cases  
21 for LG&E and KU, did you know Mr. Kendrick Riggs?

22 A. Yes.

23 Q. Or do you know Kendrick Riggs?

24 A. Yes.

25 Q. And what role did he play?

1           A.       He's outside counsel, but Kendrick is  
2 generally the lead counsel for LG&E and KU in  
3 matters -- major matters before the commission.

4           Q.       Do you recall discussing anything to  
5 do with the rate cases with Mr. Riggs?

6           A.       No, I wouldn't -- I wouldn't have  
7 those conversations with Kendrick.

8           Q.       And do I take it that you do not  
9 recall any conversations about the two rate cases  
10 with any other personnel at LG&E and KU?

11          A.       No.

12          Q.       Okay. I want to show you now some  
13 phone records. And for the sake of the record, we  
14 will mark, as we have in a lot of people, the  
15 ex parte policy, page 20 of the Employee Information  
16 Handbook as exhibit to -- for the record, I probably  
17 will put the whole Employee Information Handbook in,  
18 but we've been referring to page 20. I'm sorry, that  
19 would be Exhibit 1.

20                   (DEPOSITION EXHIBIT NO. 1 MARKED)

21          Q.       And Exhibit 2 will be some phone  
22 records that I'm handing you, and I'd like you to  
23 share that with your counsel as we walk through  
24 these.

25                   (DEPOSITION EXHIBIT NO. 2 MARKED)



1           Q.       First, can you identify this document  
2 as phone records of Thomas Dorman at (502)875-3893,  
3 231-0487? That's the account number.

4           A.       Yeah, that's confusing for me. I  
5 guess I never paid attention to it, but 875-3893 is  
6 my home phone number.

7           Q.       All right, sir.

8           A.       And --

9           Q.       Go ahead. I'm representing to you  
10 that the document in front of you is -- there are  
11 duplicates that are in here, but I will refer to some  
12 individual calls, and I want to ask you about those  
13 individual calls.

14          A.       Okay. Can you help me understand why  
15 my home phone number is on this account?

16          Q.       I do not know.

17          A.       Okay.

18          Q.       All right. As you may or may not  
19 realize, I have received these records as part of a  
20 statement given by you.

21          A.       All right.

22          Q.       And I wanted to make my own inquiries  
23 part of this statement as to these phone records.

24          A.       All right.

25          Q.       In addition to this as your home phone

1 number, at various times you also had -- you had a  
2 cell phone, did you not?

3 A. Correct.

4 Q. Okay. And using this same time  
5 period, April 28, 2004, through May of 2004, do you  
6 recall what your cell phone number was? If you  
7 don't, you don't.

8 A. I want to say it's the 231-0487.

9 Q. Well, fair enough. All the calls we  
10 want to inquire about are off of your home phone  
11 number, but I was curious as to why in your prior --

12 A. Yeah. See, that's what is confusing  
13 for me is that this is identified as a Cingular  
14 Wireless. I had no cell phone at the time except  
15 that provided by the commission, and yet this is my  
16 home phone number.

17 Q. All right.

18 A. My land line home phone number. So  
19 I'm confused.

20 Q. Well, not to spend a lot of time  
21 dealing with this. My sense is is the account number  
22 and your phone numbers are probably two different  
23 things.

24 A. Okay.

25 Q. All right? And it would be more

1 logical to me that some of these that I will inquire  
2 about were probably cell phone calls.

3 A. Right.

4 Q. But simply for account status in  
5 pulling everything, this is the number that you were  
6 given someplace.

7 A. All right.

8 Q. All right. So having said that and  
9 not to belabor us here --

10 A. Okay.

11 Q. -- I want you to turn your attention  
12 to item 67, which I think you'll find on the first  
13 page.

14 A. Okay.

15 Q. And you'll see there a number called?

16 A. All right.

17 Q. And the number called is 553-0598.

18 A. Correct.

19 Q. Do you see that?

20 A. Yes.

21 Q. And do you know whose number is that?

22 A. That's George Siemens' number.

23 Q. And that is his land line, is it not,  
24 or is that his cell phone?

25 A. I think that's his cell phone number.

1           Q.       Fair enough. And the call is at  
2       4:27 p.m. and it's for 5 minutes. Do you see that?

3           A.       Yes.

4           Q.       Okay. Now, Mr. Dorman, this is one of  
5       the dates, May the 4th, that there was an actual  
6       hearing going on. So the question becomes you are  
7       communicating with Mr. Siemens of LG&E on a date of  
8       the hearing.

9           A.       Right.

10          Q.       First let me ask you, did you discuss  
11       in any way the LG&E and KU rate case? Let me qualify  
12       that, the merits of the case.

13          A.       No, no.

14          Q.       Okay. Did you discuss anything about  
15       the procedure dealing with the case that you recall?

16          A.       My -- what I recall discussing with  
17       George is, again, my surprise at the appearance of  
18       the attorney general personally at the rate case and  
19       what it did to the atmosphere of the proceeding to  
20       have the AG and the -- with the attendant media  
21       attention that he got. It just -- it was an unusual  
22       happening in a rate case. And that's -- that is what  
23       I recall discussing with George.

24          Q.       Okay. Do you recall it being a  
25       five-minute call, a short call?

1 A. Yes.

2 Q. Do you have a recollection of having  
3 dialed him from your home to communicate that?

4 A. No, I do not. I mean, I -- I think it  
5 was a cell phone call.

6 Q. All right, sir. Do you have a  
7 recollection of having initiated the call to him for  
8 that particular --

9 A. I think in this instance I did  
10 initiate the call, yeah.

11 Q. All right. So other than a discussion  
12 about the attorney general coming to the PSC and his  
13 remarks, do you recall any other content of the  
14 May 4th call, if there was any?

15 A. No.

16 Q. Okay. Turn, if you would, the page --  
17 to page 70 -- I'm sorry, to the next page, and a line  
18 entitled No. 70, May 5th, incoming. Do you see that?

19 A. Mm-hmm.

20 Q. And again, that's to 553-0598.

21 A. Mm-hmm.

22 Q. This particular call appears to be for  
23 2 minutes. Do you see that?

24 A. Mm-hmm.

25 Q. And I'm representing to you that that

1 call is on the second day -- strike that.

2 That call is also on the date of  
3 hearing, and it's at 12:30 p.m. Do you have any  
4 recollection of what that particular call was about?

5 A. No.

6 Q. All right. Do you have a belief that  
7 you could have been talking about the merits of the  
8 case?

9 A. No.

10 Q. Okay. Do you have a belief that you  
11 could have been talking about procedural issues  
12 related to the call -- related to the case?

13 A. If -- yeah, if -- you know, if the  
14 appearance of the attorney general is procedural, if,  
15 you know, "How are things going? Are the parties  
16 getting any closer?" is procedural, you know, that  
17 would have been the extent of our conversation.

18 Q. Okay. Do you have a recollection of  
19 having had more than one conversation about the  
20 attorney general during this period of time with  
21 Mr. Siemens?

22 A. It seems to me we did, but I -- I have  
23 a specific recollection that we talked about that,  
24 that I called him to express my surprise.

25 Q. Do you have a recollection that you

1 talked about it on more than one occasion?

2 A. Not specifically.

3 Q. All right. This is a phone call of  
4 2 minutes. In your normal communication patterns, is  
5 that a short call?

6 A. Yes, very short.

7 MR. GOLDBERG: Off the record a  
8 minute.

9 (OFF THE RECORD)

10 Q. So other than the general subject  
11 matter about the attorney general, do you have any  
12 other understanding of what that call would have been  
13 about?

14 A. No.

15 Q. Okay. Moving right along, I want you  
16 to look at item 73. That's also to the same  
17 number --

18 A. Mm-hmm.

19 Q. -- 553-0598.

20 A. Mm-hmm.

21 Q. That's, again, noticing for the third  
22 time Mr. Siemens' phone number, is it not?

23 A. Mm-hmm.

24 Q. That's for one minute.

25 A. Yeah.

1           Q.       All right.   And that's May the 6th.  
2   Do you see that, sir?

3           A.       Yes.

4           Q.       And then shortly after that -- that's  
5   at 4:27 p.m.   Shortly after that item number 74,  
6   another phone call, May the 6th, same number to  
7   Mr. Siemens, and that is for one minute at 5:15 p.m.

8           A.       Mm-hmm.

9           Q.       Looking at those two together, does  
10   that indicate anything to you in terms of the content  
11   of the call?

12          A.       It probably is long enough to leave  
13   voice messages.

14          Q.       Okay.   And do you have a recollection  
15   of the content of the voice message you left?

16          A.       No.   Just other than, you know,  
17   called.

18          Q.       Is it fair to say that it's your  
19   belief that both of these calls, 73 and 74, were  
20   voice-mail calls -- or voice-mail messages left  
21   calls?

22          A.       I don't remember them specifically to  
23   be that, but that would be my guess.

24          Q.       All right, sir.   And is that based  
25   upon the fact of the shortness of the call?



1           A.       Mm-hmm, yes.   Yes.

2           Q.       Okay.   In addition to dealing with  
3 issues revolving around the rate case, were you  
4 dealing with other issues, "you" being the PSC, that  
5 were of importance to LG&E and KU during that time  
6 period?

7           A.       Well, yes.   There was a -- an issue  
8 that caused me to deal directly with George and  
9 others at LG&E, and that was the commission had been  
10 approached by a developer in Louisville by the name  
11 of Scott Hagan, who owned property adjacent to the  
12 Gene Snyder Parkway who expressed to the commission  
13 his concern that a proposed transmission line running  
14 roughly from I-64 over to the Ford plant, a new  
15 transmission line proposed by LG&E, would have some  
16 adverse impact on a property he was proposing to  
17 develop adjacent to the Gene Snyder.

18                   And the commission asked me to inquire  
19 about it, and I met with Mr. Hagan and another  
20 attorney who represented another property owner in  
21 that area I think adjacent to Mr. Hagan's property.  
22 And they -- they were objecting to the location of  
23 the transmission line on that side of the Gene Snyder  
24 Freeway.   They wanted the commission to look into  
25 whether there was any authority for the commission to

1 direct some alternative route and to just generally  
2 inquire with LG&E as to what their intentions were,  
3 where -- where they were in -- in the time frame,  
4 time line of construction.

5 George had been the -- in his role as  
6 community relations, government relations, whatever,  
7 had been out front on the issue in Louisville,  
8 Jefferson County. Had -- there had been some public  
9 hearings. There had been some concerns expressed by  
10 others about the proposed route, and George ended up  
11 being kind of the point man on that issue. So in  
12 contacting LG&E to pursue Mr. Hagan's inquiry, it  
13 fell to George to become the contact person for me in  
14 dealing with the issue at the commission, so ...

15 Q. Do you know whether during this period  
16 of time, April 28th to May 15th, you were meeting  
17 with Mr. Siemens and dealing with this Snyder  
18 transmission --

19 A. We had several discussions. In fact,  
20 I had stopped by Shelby Street one -- one evening  
21 after hours, and he kind of presented to me for the  
22 first time the -- the proposed route. He had had  
23 some maps that had been made up for some public  
24 hearings in Louisville, and so it was kind of my  
25 first briefing on the issue.

1                   Then subsequently it was a matter of I  
2 think dealing with George personally about, okay,  
3 who -- who from LG&E is going to come to this  
4 meeting? Mr. Hagan and this other gentleman, another  
5 attorney in Louisville want a meeting. They want to  
6 discuss directly with representatives from LG&E as to  
7 their intentions. So it fell for me to contact  
8 George to facilitate setting up these meetings.

9                   Q.       All right, sir. Now, are you aware in  
10 your personal relationship with Mr. Siemens of any  
11 personal things going on in his life that could have  
12 been a reason for any of the calls we've talked about  
13 or some of the calls we will talk about in the same  
14 time period?

15                  A.       Well, I know that George was getting  
16 ready to buy a new home. They -- he was -- had  
17 commented that Linda had once again gone way beyond  
18 what they thought -- what he thought was an  
19 appropriate square footage and the expense of the  
20 neighborhood and -- but that -- but generally they  
21 were excited about moving into a new home in  
22 Louisville.

23                  Q.       All right. Anything else in his  
24 personal life that you can think about?

25                  A.       No.

1           Q.       Do you remember him communicating to  
2 you at any time about the home as a function of a  
3 phone call? If you don't have a recollection, you  
4 don't.

5           A.       I don't.

6           Q.       Fair enough. Let's look at some  
7 others if we can, see if we can place those. I take  
8 it you did not recall specifically the content, then,  
9 of No. 73, 74?

10          A.       No.

11          Q.       Except to think maybe they were  
12 voice-mails.

13          A.       Right.

14          Q.       Okay. Let's look at calls on May 11,  
15 97 and 98, please. And you will see these are also  
16 to the same number --

17          A.       Mm-hmm.

18          Q.       -- 553-0598, which we've identified as  
19 Mr. Siemens.

20          A.       Mm-hmm.

21          Q.       First one, item 97 is a two-minute  
22 call. Item 98 is a five-minute call. One is at  
23 5:02 p.m. and one is at 5:04 p.m.

24          A.       Mm-hmm.

25          Q.       Does the two-minute call, item No. 97

1 of two-minute duration, indicate to you that that may  
2 have been a voice-mail call that you left and that  
3 you subsequently called back at 5:04 and talked to  
4 him in person for 5 minutes?

5 A. I don't recall. That is what it would  
6 appear to be, but I don't recall.

7 Q. Now, do you have any information as to  
8 what the content of the call would have been on  
9 May 11th?

10 A. Unless it was Mr. Hagan and the  
11 transmission issue, no.

12 Q. Okay. I can affirmatively say to you  
13 that May 11th was not an official hearing date or a  
14 negotiation date with regard to the rate case at the  
15 PSC, which is not to say that maybe you weren't  
16 discussing it. Do you have a recollection of having  
17 discussed it --

18 A. No.

19 Q. -- on May 11th?

20 A. No.

21 Q. Fair enough. And then finally -- that  
22 was a lawyer's finally -- May 12th, item No. 100, do  
23 you see that, sir?

24 A. Yes.

25 Q. All right. And the reason I said

1 that's a lawyer's finally is 101 is right behind it.

2 A. Right.

3 Q. Both of those calls, 100 and 101, to  
4 the same number, 553-0598, Mr. Siemens, who we've  
5 identified.

6 A. Right.

7 Q. The first one, No. 100, is at  
8 9:24 a.m. Do you see that?

9 A. Mm-hmm.

10 Q. On May the 12th for 6 minutes.

11 A. Mm-hmm, I see it.

12 Q. Do you have any recollection --

13 A. No.

14 Q. -- what that call was about?

15 A. No.

16 Q. Okay. And then a 1-minute call at  
17 12:20 p.m., same number to Mr. Siemens. Do you have  
18 any recollection specifically of what that call was  
19 in reference to? Do I take it that was probably a  
20 voice-mail call?

21 A. I would -- I would say, and it's --  
22 yeah -- no. Considering the hour, I doubt if it  
23 would have been much of a conversation at all, you  
24 know.

25 Q. All right, sir. May 12th was the day

1 that formal announcement of a settlement agreement  
2 was made here at the PSC on the LG&E and KU cases.  
3 Does that jog your memory as to the conversation at  
4 9:24 a.m. of 6-minute duration?

5 A. No.

6 Q. Okay. With regard to these phone  
7 calls, they look to me like they come with some  
8 regularity during that period of time. Other than  
9 the personal issue regarding a house purchase, other  
10 than the transmission line issue and, of course, the  
11 potential of the LG&E/KU rate case conversations, be  
12 it about the attorney general or otherwise, were  
13 there any other issues that you would have been  
14 discussing during that period of time with  
15 Mr. Siemens, business or social?

16 A. No, I can't think. I think the  
17 session would have been over by then. We -- George  
18 and I worked on a -- they proposed and I testified  
19 with regard to a legislation that would require  
20 certificate of need -- a certificate for construction  
21 of transmission lines. We worked on that issue  
22 together. I can't think of anything else.

23 Q. All right, sir.

24 A. Politics in general. I would venture  
25 to say if you had telephone logs from a legislative

1 session, you would find a similar pattern of  
2 telephone calls between the two of us.

3 Q. As a function of my investigation,  
4 it's important for us to have a clear understanding  
5 that -- am I correct that it is your testimony that  
6 at no time did you ever discuss with Mr. Siemens or  
7 anyone at LG&E/KU the merits or the procedural  
8 schedule of the rate cases?

9 A. Not the merits, certainly. The  
10 procedural schedule, again, in this particular case  
11 was nothing that I had any real influence over. The  
12 procedure in the case -- the rate case was generally  
13 decided by agreement of the parties. And because it  
14 was a negotiated settlement, the timing of the  
15 proceeding was generally in the hands of the parties  
16 rather than even the commission.

17 MR. GOLDBERG: All right, sir. That's  
18 all I have.

19 THE WITNESS: Okay.

20 MR. GOLDBERG: Thanks much.

21 THE WITNESS: Thank you.

22 (STATEMENT CONCLUDED AT 11:15 A.M.)

23 \* \* \*

24

25



1 STATE OF KENTUCKY        ) (  
                                  ) ( SS:  
2 COUNTY OF JEFFERSON    ) (  
3

4                   I, ELLEN L. COULTER, Notary Public,  
5 State of Kentucky at Large, hereby certify that the  
6 foregoing sworn statement was taken at the time and  
7 place stated in the caption; that the appearances  
8 were as set forth in the caption; that prior to  
9 giving testimony the witness was first duly sworn by  
me; that said testimony was taken down by me in  
stenographic notes and thereafter reduced under my  
supervision to the foregoing typewritten pages and  
that said typewritten transcript is a true, accurate  
and complete record of my stenographic notes so  
taken.

10                   I further certify that I am not  
11 related by blood or marriage to any of the parties  
hereto and that I have no interest in the outcome of  
captioned case.

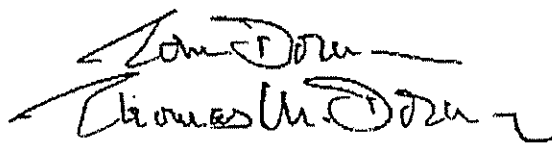
12                   My commission as Notary Public expires  
November 5, 2007.

13                   Given under my hand this the 5th  
14 day of August, 2005, at Louisville,  
15 Kentucky.

16  
17 

18 ELLEN L. COULTER  
19 NOTARY PUBLIC  
20  
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22  
23  
24  
25

1 I, the undersigned, TOM DORMAN, do hereby  
2 certify that I have read the foregoing sworn  
3 statement, and that, to the best of my knowledge,  
4 said sworn statement is true and accurate, with the  
5 exception of the corrections, if any, listed on the  
6 errata sheet.

7   
8

9 TOM DORMAN

10  
11 Subscribed and sworn to before me this 27th  
12 day of October, 2005.

13  
14  
15   
16 NOTARY PUBLIC

17  
18  
19 My commission expires 6-10-06  
20  
21  
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23  
24  
25

COULTER REPORTING, LLC  
101 EAST KENTUCKY STREET, SUITE 200  
LOUISVILLE, KY 40203

ERRATA SHEET

NAME TOM DORMAN DATE OF DEPOSITION 7/27/05

After having read my deposition, I wish to make the following changes:

Page 37 Line 22  
Change "assigning" to "siting"  
Reason for change misunderstood by reporter

Page 38 Line 25  
Change "Utilities" to "utilities"  
Reason for change the reference is to utilities in general not U as a company

Page 39 Line 4  
Change "Utilities" to "utilities"  
Reason for change same as above

Page 39 Line 21  
Change "GNT's" to "G+I's"  
Reason for change the reference is to generation and transmission companies

Page \_\_\_\_\_ Line \_\_\_\_\_  
Change \_\_\_\_\_  
Reason for change \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_  
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Reason for change \_\_\_\_\_

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EMPLOYEE INFORMATION HANDBOOK

**EXHIBIT**

DORMAN

7/27/05

The contents of this Employee Information Handbook reflect the current policies and procedures in effect at the PSC at the time of its printing.

Amendments to personnel law, regulations and policies may modify or supercede all statements in this information handbook.

It is the policy of the Public Service Commission to affirm equal opportunity for employment and advancement to all qualified persons without regard to race, color, religion, national origin, disability, sex, age, or sexual orientation.

Printed with State Funds

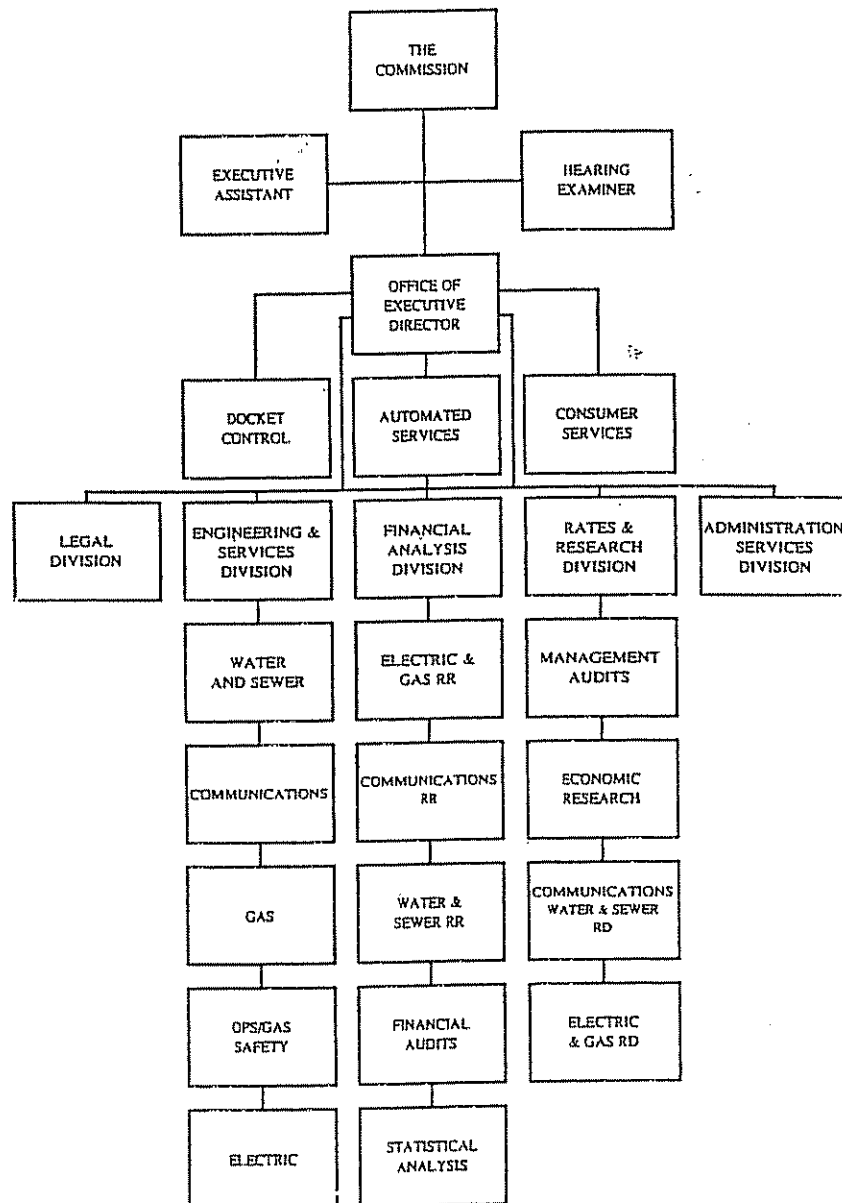
Effective 10-1-93

# PSC EMPLOYEE HANDBOOK

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# Public Service Commission Organizational Chart



# PSC INFORMATION HANDBOOK

## Introduction

The Commissioners and management team of the Kentucky Public Service Commission (PSC) recognize their employees as their most valuable asset. This booklet has been prepared to help employees learn about their commission, its structure and functions, and some of the many facets of the employment relationship into which they have entered. In referring to employees, "he" shall mean male or female.

Questions concerning employment should be directed to your immediate supervisor, or to your agency Personnel Administrator.

The Public Service Commission is an independent administrative body established by the Legislature in 1934 with quasi-legislative and quasi-judicial duties.

The Commission regulates intrastate rates and services of investor-owned electric, natural gas, telephone, water and sewage utilities, rural electric and telephone cooperatives, and water districts and associations. The Commission performs its regulatory functions through written orders following adjudicative and rulemaking procedures outlined in Chapter 278 of the Kentucky Revised Statutes and administrative regulations promulgated by the Commission in Title 807 of the Kentucky Administrative Regulations.

The Commission's goal is to ensure that every utility within its jurisdiction charges fair, just and reasonable rates for the services rendered and that those services are safe, adequate, efficient and reasonable.

The PSC consists of three (3) members appointed by the Governor with the advice and consent of the Senate. Commissioners are appointed for staggered four year terms. Appointments run from July 1 to June 30, with each commissioner staying in the office until his successor is sworn into office. The Governor designates one commissioner to act as Chairman and Chief Executive Officer and a second commissioner to serve as Vice Chairman and act for the Chairman in the latter's absence.



The PSC is divided into the following units: General Counsel (Legal), Engineering, Rates and Research, Financial Analysis, and Administrative Services. The Commission appoints an Executive Director, to serve at its pleasure, and to act as Chief Administrative Officer directing day-to-day operation of the Commission.

## **Affirmative Action Policy**

The Commission is committed to the law of the Commonwealth in establishing a work place free from the injustices of discrimination. It is the policy of the Commission to affirm equal opportunity for employment and advancement to all qualified persons without regard to race, color, religion, national origin, disability, sex, age, or sexual orientation. Any employee who believes he has been subjected to discriminatory treatment in the workplace has the responsibility immediately to bring the problem to the attention of the agency Personnel Administrator.

## **The Americans With Disabilities Act of 1990 (ADA)**

The Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., is a federal law that requires that public facilities and programs, when viewed in their entirety, be accessible to persons with all types of disabilities. The ADA also makes it unlawful to discriminate against a qualified person with a disability in any aspect of employment. The ADA applies to Commission employment practices and the terms, conditions and privileges of employment. The ADA protects qualified persons with a disability. This includes current Commission employees, qualified applicants seeking Commission employment and citizens seeking to utilize Commission facilities and programs. Contact the agency Personnel Administrator for further information.

## **Sexual Harassment Policy**

The Commission does not tolerate sexual harassment of any kind. Sexual harassment in the workplace is a serious offense against the dignity of fellow workers and a violation of both state and federal law. Sexual harassment is viewed as misconduct and will subject any offending employee to disciplinary action up to and including dismissal. Any employee who has a complaint of sexual harassment at work by supervisors, co-workers, visitors or clients should immediately bring the problem to the attention of his supervisor, or, if the complaint involves supervisory personnel in the employee's line of command, complaints may be made to another supervisor, the agency Personnel Administrator or the Cabinet Personnel Administrator.

## Vacancies

When a vacancy occurs in the Commission, it is usual practice to attempt to fill the position from within the agency or state government through promotion or transfer. When recruiting from the outside for a merit position, a register of names is requested from the Department of Personnel for the vacant position. A selection is made from this register. The new employee serves a probationary period of six months to obtain merit status. Non-merit appointments are made by the Commission to serve at the pleasure of the Commission.

## Probationary Period

1. Initial probationary period is the period an agency observes an employee's job performance and determines to continue his employment or terminate it. The initial probationary period is six months. Employees who perform satisfactorily gain merit system status.
2. Promotional probationary period is the six months following a promotion during which the agency observes the employee's job performance. With satisfactory performance, the employee gains merit system status in the new job. If performance is not satisfactory, the employee is returned to his former position or to a position in the same job classification as the former position.

## Transfers

If an employee wishes to transfer to another position or location within the Commission, he should submit the request in writing to his supervisor. If an employee wishes to transfer to another state agency, it is his responsibility to locate the new position. The Commission and the hiring agency will coordinate the transfer of Personnel records. The employee is responsible for notifying his immediate supervisor and negotiating a transfer date.

## Promotions

Promotion is a change from a position in one class to a position in another class having a higher minimum salary or carrying a greater scope of discretion or responsibility. Employees who are promoted are required to serve a **promotional probationary period**. Employees who are promoted retain their status in the class from which they are promoted; if an employee does not successfully complete the promotional probation he must revert to a position in his former class. An employee who is promoted receives a salary increase of at least five percent or advances to the minimum of the grade for the new position (whichever is greater). An agency may give a five percent promotional increase to an employee who successfully completes promotional probation. If the promotion is to a position which constitutes an unusual increase in the level of responsibility, the agency, with the prior written approval of the Commissioner of Personnel, may grant upon promotion a ten percent or fifteen percent salary increase over the employee's previous salary.

## Reclassifications

A reclassification occurs when an employee is given a different job classification because of a **material and permanent** change in his duties or responsibilities. An employee who is advanced to a higher pay grade through reclassification shall receive a salary increase of five percent except that in no case shall the employee's salary be below the minimum for the new pay grade. An employee placed in a lower pay grade through reclassification shall receive the same salary he received before reclassification.

## Hours of Work

Full-time state employees are required to work 7.5 hours per day. Part-time and hourly employees shall be scheduled to work hours in accordance with the needs of the position. The normal work hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, unless flextime has been approved by the Executive Director. The employee shall not be scheduled to begin work earlier than 7:30 a.m. nor later than 8:30 a.m. Habitual tardiness or excessive absenteeism from work stations shall constitute grounds for disciplinary action.

## Training

The Commission encourages all employees interested in career development to take advantage of courses offered at the Governmental Services Center at Kentucky State University. The Commission also encourages job enrichment through work-related workshops and seminars of a technical nature to improve job efficiency and effectiveness if within the budgetary allowance.

## Performance Evaluations

Performance evaluations enable both the supervisor and employee to determine whether the employee is meeting the requirements of the job. Performance evaluations, updated job descriptions, standards and goals are to be completed for merit employees on June 30 (mid-year) and December 31 (year-end) of each year. An employee is not eligible to begin the evaluation process unless his probationary period is completed by January 1 of the year for which he is to be evaluated.

## Job Classification

The goal of the classification process is to maintain a system that accurately matches what the employee does with how the employee is classified. Each employee has a detailed position description (PD) of his job duties. The PD is developed and monitored as a joint effort of both the employee and his supervisor.

## Compensation (Pay) System

When jobs are classified, they are evaluated on thirteen (13) factors and compared to jobs in their proposed class. The following factors are included in the evaluation: minimum education requirement; minimum experience requirement; supervisory responsibilities; responsibilities for following, interpreting, enforcing, or developing policies or procedures; responsibility for materials and supplies; authority to handle and spend money; responsibility for personal contacts; responsibility for records and reports; responsibility for machinery and equipment; types of mental skills required; types of mental demands required; types of physical demands; and types of working conditions. This evaluation provides a basis for internal ranking of classes. In addition, the Department of Personnel maintains information about the salaries other employers pay for similar jobs. Using all available information, each class is assigned a pay range on the salary schedule.

## Paychecks

All payroll checks are paid two weeks in arrears. For example, a new employee will not receive his first paycheck for four weeks. If the appointment date is September 1, he will receive his first check on September 30 for the September 1 - 15 pay period. Payday is always on the 15th and 30th of each month, unless payday falls on a Saturday or Sunday, in which case paychecks are delivered on the preceding Friday.

## Resignation

An employee who desires to terminate his service with the state shall submit a written resignation to the agency. Resignations shall be submitted at least fourteen (14) calendar days before the final working day. Failure of an employee to give fourteen (14) calendar days notice with his resignation may result in forfeiture of accrued annual leave.

## Retirement

All salaried employees and hourly Commission employees working an average of 100 hours a month are members of the Kentucky Employees Retirement System and contribute 5% of their base pay to the retirement system. The state contributes 7.65% of the employee's base salary to his retirement account. The following are benefits provided by the Retirement System:

### Normal Retirement

1. A member who has attained age 65 and has acquired at least 48 months of service credit (12 months must be current service) is eligible for an annual retirement benefit as determined by the following formula:

YEARS OF SERVICE X 1.97% X FINAL COMPENSATION\*

EXAMPLE: A member has 20 years of service and final compensation of \$15,000.

$$20 \times 1.97 = 39.4\%$$

$$39.4\% \text{ of } \$15,000 = \$5,910 \text{ annual payment}$$

$$\$5,910 \text{ divided by } 12 = \$492.50 \text{ monthly payment}$$

\*Final compensation is the average annual salary earned during the five fiscal years when the member's salary was highest.

2. A member who has attained age 65 but has less than 48 months of service is eligible for a monthly benefit equal to the actuarial equivalent of twice the member's accumulated contributions. This amount must be calculated by the retirement system.

#### Early Retirement

1. A member may elect early retirement at any age with no decrease in benefits if the member has 27 years of service credit. At least 15 years of the service must be current service.
2. A member may choose early retirement if he is age 55 or older and has at least 60 months of service credit.
3. A member may also choose early retirement if he is under age 55, and has at least 25 years of service, 15 of which must be current service. The benefits are calculated the same as for normal retirement and are reduced 5% for each year of service credit under 27.
4. Under early retirement, the benefit is calculated the same as under normal retirement, except that benefits are reduced depending on the member's age or years of service.

#### Disability Retirement

A member who has acquired 60 months of service credit (12 months must be current service) is eligible for a monthly disability benefit if he should become disabled while actively contributing to the retirement system. Application for disability benefits must be made within 12 months of termination of employment. Disability benefits are calculated in the same manner as Normal Retirement benefits except that additional years of service credit may be added to the member's account and years of service at the time of disability.

Any questions should be referred to the Kentucky Employees Retirement System office at (502) 564-4646.

### **Deferred Compensation**

All Kentucky state government employees may participate in the Deferred Compensation program. Deferred Compensation lets the employee set aside income from his paycheck for retirement. Money set aside for Deferred Compensation is

automatically payroll deducted twice each month. The employee pays no state or federal income tax on the money deferred until he begins receiving benefit payments at retirement or early retirement, when he may be in a lower tax bracket. For additional information, contact the Kentucky Public Employees Deferred Compensation System at 564-7240.

## U.S. Savings Bonds

Savings Bonds are available to all employees through payroll deduction. Employees should contact the agency Personnel Administrator for forms and information.

## Credit Unions

A state employee may join the Commonwealth Credit Union or the Kentucky Employees Credit Union. Each offers a wide range of financial services, including secured and unsecured loans, savings plans, and payroll deductions. Information may be obtained by calling:

Commonwealth Credit Union	(502) 564-4775
Kentucky Employees Credit Union	(502) 564-5597

## Workers' Compensation

All Commission employees are protected by Workers' Compensation. If an employee is injured at work, he should advise his supervisor immediately. Reporting should be coordinated through the Personnel Administrator's office. Failure to report injuries to the supervisor within 24 hours may jeopardize an employee's entitlement to Workers' Compensation benefits.

## Unemployment Insurance

All employees of the Commission (except Commissioners) are eligible for unemployment compensation under certain circumstances. Direct any questions to the agency Personnel Administrator.

## Agency Leave Procedures

Accumulation and use of the following leave are controlled by 101 KAR 2:100:

Annual	Voting
Sick	Blood Donation
Compensatory	Military
Court	

## Family and Medical Leave Act of 1993 (FMLA)

FMLA, 29 U.S.C. §2601 et seq., requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Unpaid leave must be granted for any of the following reasons:

- > to care for the employee's child after birth, or after placement of a child with the employee for adoption or foster care;
- > to care for the employee's spouse, child, or parent, who has a serious health condition; or
- > for a serious health condition that makes the employee unable to perform his job.

### Job Benefits and Protection:

- > For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- > Return from FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

For additional information regarding FMLA, please contact the agency Personnel Administrator.



## Holidays for State Personnel

State offices shall be closed and state employees shall be given a holiday on the following days:

- (a) The 1st day of January plus one extra day;
- (b) The 3rd Monday in February;
- (c) Good Friday, one-half day;
- (d) The last Monday in May;
- (e) The 4th day of July;
- (f) The 1st Monday in September;
- (g) Presidential election day as required under KRS 2.190;
- (h) The 4th Thursday in November plus one extra day;
- (i) The 25th day of December plus one extra day.

## Smoking Policy

To provide a workplace that respects the rights of non-smokers, while ensuring smokers are not deprived of their rights, smoking is permitted only in specifically designated areas. This policy is in effect at all times.

## Health Insurance

An employee has the option of receiving coverage through the carrier holding the state health insurance contract or if he lives or works within a defined service area, he may choose coverage through one of the health maintenance organizations (HMO's). Health coverage becomes effective the first day of the second month following the date of employment. When his employment terminates, the employee remains covered for the following month by the state's contributions.

The Retirement System provides hospital/medical insurance or Health Maintenance Organization coverage for recipients of a retirement benefit. Participation in these plans is optional and a recipient may purchase, at his own expense, coverage for his beneficiaries and dependents. The cost of coverage for the retirement system member may be partly paid by the retirement system depending on the number of years of service that the member accumulated. Percentages of the premium that will be paid by the system are as follows:

Less than 4 years	0%
4 - 9	25%
10 - 14	50%
15 - 19	75%
20 or more years	100%

## Life Insurance

All eligible employees receive term life insurance coverage paid for by the state in the amount of \$6,560.00. To be eligible for life insurance benefits, a state employee must be a contributing member to one of the state administered retirement systems. The insurance becomes effective the first day of the second month following the date of employment. As with health insurance coverage, an employee will be covered by the state term life insurance one month following his separation from state service. State employees also have the option of purchasing additional life insurance. See the agency Personnel Administrator for additional information.

## Other Insurance

Several dental insurance options are available for state employees through payroll deduction. The state does not contribute toward any of these premiums. Many premiums can be payroll deducted. See the agency Personnel Administrator for additional information.

## Commonwealth Choice

Commonwealth Choice is a tax-saving opportunity that can benefit employees and their families who have dependent day care or out-of-pocket healthcare expenses. **Commonwealth Choice is not an insurance plan.** This optional benefit was implemented by the Kentucky Department of Personnel to help reduce taxes and increase spendable income. The cost-saving advantage of the plan is simple: any eligible dependent care and health care expenses paid through the plan are tax free. No federal or state income tax or Social Security tax on the money used to pay these eligible expenses is owed. Any full-time or permanent part-time, active state government employee who is eligible for state-sponsored health insurance coverage and will have completed one full year of continuous service by December 31 of a given year, can enroll in this tax-saving plan. For additional information on Commonwealth Choice, contact the agency Personnel Administrator.

## Kentucky Employee Assistance Program (KEAP)

The Kentucky Employee Assistance Program (KEAP) is dedicated to helping employees find solutions to personal problems that may hinder effectiveness at work. Problems concerning marital, family, or emotional distress, alcoholism and drug abuse, financial or legal difficulties, or even medical problems can seriously diminish an individual's job performance. As a progressive employer, the Commonwealth of Kentucky recognizes that there are positive, workable solutions to many of these problems which trouble employees. All state employees and their families are eligible for KEAP services, and there is no cost for its information or referral services. All contact with KEAP is strictly confidential; any personal information disclosed will be kept confidential to the full extent permitted by state and federal law.

## Drugfree Workplace

The Drug Free Workplace Act of 1988, 41 U.S.C. §701 et. seq., provides that recipients of federal grants shall inform their employees that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol and other controlled drugs in any designated workplace is prohibited. Conviction for such conduct may subject the employee to appropriate disciplinary action under state law, up to and including dismissal. The state may, in lieu of disciplinary personnel action, require an employee convicted of such conduct to participate in a drug abuse assistance or rehabilitation program.

## Health and Safety

The Commission adheres to federal and state laws established to guarantee the health and safety of all employees in the workplace. Employees must follow the safety rules and procedures pertaining to their work unit. They must also maintain a personal commitment to exercising safe work habits and practices. For further information regarding health and safety in the workplace, please contact the agency Safety Coordinator.

## Disciplinary Action

Supervisors are responsible for disciplining employees for just cause including conduct while on or off duty which may be prejudicial or detrimental to the Commonwealth or otherwise affect adversely the confidence of the public in the integrity of the Commission. Discipline may range from written reprimand to suspension or dismissal from state service. If an employee disagrees with any discipline received, he may appeal the action. The steps outlining these procedures are described in the Grievances Section.

## Grievances

A grievance is a complaint filed by an employee which concerns some aspect of his employment. A grievance must be filed within thirty (30) days of the date of the action complained of or the date upon which the employee, exercising due diligence, became aware of the action.

### Procedures

1. A grievance shall be filed with the employee's immediate supervisor.
2. The employee shall set forth in writing the basis of his grievance or complaint together with the corrective action desired. If the employee wishes to submit additional information or documentation, he may attach it to the grievance.
3. When a grievance is filed that alleges discrimination on the basis of race, color, religion, national origin, sex, disability or age (forty (40) or over), the supervisor shall immediately notify the agency Personnel Administrator in compliance with affirmative action requirements.
4. Interviews to evaluate or investigate the grievance held with the complainant or other employees shall not require the use of leave time. For interviews held outside of normal working hours, compensatory time shall be granted.

5. All parties may have a representative present at each step of the grievance procedure.

To obtain additional information, contact the agency Personnel Administrator.

## Misuse of Facilities or Equipment

No employee shall use any equipment, supplies, or properties of the Commonwealth for other than officially designated purposes. Any questions in this area should be directed to the employee's immediate supervisor.

Telephones are to be used for state business. If it is necessary for employees to make personal long-distance calls, they shall reimburse the state for personal calls in cash or by personal check payable to Kentucky State Treasurer.

## PROFESSIONAL CONDUCT AND ETHICAL RESPONSIBILITIES

Employees of the Commission work for the benefit of the people of the Commonwealth of Kentucky. As public servants, employees are bound to adhere faithfully to standards of professional and ethical conduct. Employees represent the Commission and are expected to conduct themselves in a manner which will inspire the confidence, trust, and respect of the public.

Principles of ethical behavior are based on the belief that public servants must be independent and impartial; government policy and decisions must be made through established processes; public servants must not use public office to obtain private benefits; and the public should be able to have confidence in the integrity of its government. KRS 11A.005. The Commission requires its employees to avoid conflicts of interest, improper ex parte communications, and participation in activities which present the appearance of impropriety.

The following guidelines are set forth to illuminate areas of concern:

### A. Adverse Pecuniary Interest

Commissioners are statutorily prohibited from holding an official position or owning stocks, bonds, or any other pecuniary interest in a utility. KRS 278.060(2). The Commission has adopted the same prohibition for its staff. The Commission has determined that participation in an investment plan where utility stocks or bonds are purchased as part of a total portfolio and where the Commission staff member has no control over the company chosen for investment (such as a mutual fund), does not constitute a violation of this prohibition. Any staff member who is in violation of this policy shall immediately disclose that fact to the Executive Director.

All employees are subject to the provisions of the Kentucky Model Procurement Act ("Act") which detail prohibited conflicts of interest for public officers and employees. An employee cannot be interested, either directly or indirectly, in any contract in which he may be called to act or vote. KRS 45A.430. Likewise, the Executive Branch Ethics Code ("Code"), applying to all employees of the Commission, prevents a public servant from acting as a representative of the state in a business transaction with himself or in any business in which he or a family member has a greater than five percent interest. KRS 11A.040(3). "Family" is defined in KRS 11A.010(4) to mean a person's "spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption:

parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister."

Another Code provision, KRS 11A.040(4), could affect employees by providing that they and their family members holding more than a five percent interest in a business cannot be parties, directly or by virtue of their partial ownership of the business, to any contract, agreement, lease, sale or purchase between that business and any state agency. For example, it is impermissible for the owner of a computer business to sell products to the Department of Human Resources if at least five percent of its shares are owned by the spouse of a Commission employee. Violation of this statute is a Class D felony.

#### **B. Gifts and Favors**

The Code provides that a public servant cannot knowingly accept compensation, other than that provided by law for public servants whose salary is paid by the Commonwealth, for the performance of any activity included in his official duties. KRS 11A.010(5). Compensation is defined as "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.010(3).

The Executive Branch Ethics Commission has concluded that when dealing with a civic organization or other organization not comprised of entities regulated by the commission:

"an executive branch employee may accept a free meal at an event in which he is invited to participate in furtherance of his official duties, provided these tests are met:

1. The meal is an integral part of the event and the employee's role in the program occurs immediately before, during, or immediately after the meal.
2. The employee's meal is the same available to all others at the event and is consumed on the premises.

We also approve acceptance of a small token of appreciation such as a coffee mug. Public servants are encouraged to make speeches and presentations for the benefit of citizens of the Commonwealth, but public servants shall be zealous to accept nothing more than a small token of appreciation." AO 90-10.

The Executive Branch Ethics Commission states that employees involved in regulating utilities should not accept meals or beverages from those utilities or trade associations whose members are regulated utilities. AO 93-50.

The Commission prohibits its employees from accepting any item, including food or entertainment, from any employee of or executive agency lobbyist for a regulated utility. The Commission strives to avoid the public perception that an improper relationship may exist between regulated utilities and the Commission or its staff.

#### **C. Representing Non-State Interests**

No employee shall represent or act as an agent for any private interest, whether for compensation or not, in any transaction in which the state has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the official or employee and his official state responsibilities.

#### **D. Misuse of Information**

The Code prohibits Commission employees from knowingly disclosing or using confidential information acquired during the course of their work. KRS 11A.040(1).

Employees should carefully and conservatively evaluate a document before providing it or describing its contents to anyone other than another Commission employee. Consult the Commission's General Counsel for assistance if you are unable to determine whether a particular document should be released.

#### **E. Outside Employment**

Members of the Commission are required by statute to devote their entire time to the duties of their offices. KRS 278.050(1). Members of the Commission's staff are not legally prohibited from having other jobs. However, employees who do seek outside employment are expected to ensure there is no conflict with their Commission duties. Employees who are unsure whether outside employment conflicts with their Commission duties should notify the Executive Director or consult the General Counsel.

#### **F. Post-Commission Employment**

The Code places three restrictions on the type of employment a public servant is permitted to accept after leaving state government:



1. A former public servant may not act as a lobbyist or lobbyist's principal for a period of one year after the date he leaves state employment or his term of office expires, whichever is later.
2. A former public servant may not represent a person in a matter before a state agency in which the former public servant was directly involved for a period of one year after the date he leaves employment or his term of office expires, whichever is later.
3. A present or former public servant may not, within six months of the termination of his state employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This prohibition does not apply to individuals returning to the same business, firm, occupation, or profession in which they were involved prior to state government employment. The Executive Branch Ethics Commission has indicated through its Executive Director that it considers the Commission to be "doing business with" the utilities it regulates.

#### G. Improper Ex Parte Communication

1. "Ex parte communication" means an oral or written communication which relates to the merits of a formal proceeding pending before the Commission, or which the employee reasonably anticipates will be filed with the Commission, and which is not included in the public record, without notice and opportunity for all parties or interested persons to participate. A communication relevant to the merits includes any issue of fact or law relative to the matter pending.
2. The following types of communication are not prohibited ex parte communications if such communication is reasonably limited to the matter at hand:
  - (a) Any procedural inquiry, including prefiling inquiries.
  - (b) Staff's communications when performing routine operational inspections and safety inspections not for the purpose of investigating a matter pending before the Commission.
  - (c) Staff's communications when performing management audits pursuant to KRS 278.255 and routine field audits of accounts, books, and the Commission.

- (d) Staff's communications when performing cell site field inspections.
  - (e) Staff's communications when performing field reviews or inspections for preparation of Commission staff reports to be filed in pending or anticipated rate cases.
  - (f) Staff's communications in cases without intervenors, unless the staff determines intervention is likely.
- 3. Commissioners or Commission staff shall not participate in any prohibited ex parte communication with any interested person regarding the merits of any formal case or proceeding pending before the Commission or a case or proceeding that the employee anticipates will be filed with the Commission. It is improper to disclose a Commission decision prior to the issuance of an Order on the matter.
  - 4. If an employee participates in a prohibited ex parte communication, he shall immediately disclose the relevant details of the communication to the General Counsel.

#### H. Executive Agency Lobbyists

As of September 16, 1993, any individual who is engaged to promote, oppose, or otherwise influence the outcome of an executive agency decision is considered an executive agency lobbyist and is required to register with and make certain disclosures to the Kentucky Executive Branch Ethics Commission.

An "executive agency decision" is narrowly defined to include only those agency decisions regarding the expenditure of state or agency funds with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated. PSC employees are rarely involved in agency decisions affecting the disbursement or allocation of state or agency funds.

However, executive agency lobbyists are required to report on a quarterly basis all expenditures made on behalf of or financial transactions with any executive branch employee in any agency, whether or not the employee works for the agency the executive agency lobbyist was engaged to influence. All Commission employees must be aware that disclosure of expenditures and financial transactions involving them could be detrimental to the public's perception of the Commission and act accordingly.

**Kentucky Public Service Commission**  
**730 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 564-3940**  
**(502) 564-7279 fax**  
**(800) 772-4636 Public Information Hot Line**

**WHEN THE PUBLIC ASKS FOR DIRECTIONS TO PUBLIC SERVICE COMMISSION:**

Take I-64 to the Frankfort/Versailles exit (Exit 58). Turn off the exit onto U.S. 60 (Versailles Road) toward Frankfort. Follow U.S. 60 all the way in until you reach the intersection of U.S. 60, 460 and 421 (approximately 3 miles). As you approach the intersection, the road will widen to 5 lanes and a sign will read "Capital Plaza Complex". Continue straight through the light onto U.S. 421 (Wilkinson Boulevard) for approximately 1 mile. At the first light (at Hardee's) you will turn right onto Schenkel Lane. We are on the second block, in a two-story brick building located on the right, across from the Chrysler dealership (Frankfort Auto Sales) and right before you get to the liquor store.

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Page 12

\*\*\* Cingular Wireless \*\* (KB2, B0AC01)

# THEORY OF DOMAINS

Account Number: 502 875-3893 231 0487

Bill Period Date: Jun 2, 2004

FOR Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Detail Airtime Usage Charges (continued)

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NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT  
IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE!  
HOWEVER, COLLECTION OF UNPAID CHARGES MAY BE  
PURSUED BY THE SERVICE PROVIDER.

\*\* Cingular Wireless \*\* (NH2,BOAC01)

THOMAS DORMAN

Account Number: 502 875-3893 231 0487

Bill Period Date: Jun 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Detail Airtime Usage Charges (continued)

Airtime Messages - Current Usage

Date	Place Called	Number Called	Prd Type	Time	Min
68. MAY	4 INCOMING	CL 502 223-4687	P	658PM	1.0
69. MAY	5 INCOMING	CL 502 226-3826	P	851AM	4.0
70. MAY	5 INCOMING	CL 502 553-0598	P M	1230PM	2.0
71. MAY	6 INCOMING	CL 502 229-4922	P M	1149AM	1.0
72. MAY	6 INCOMING	CL 502 564-2546	P	1222PM	1.0
73. MAY	6 INCOMING	CL 502 553-0598	P M	427PM	1.0
74. MAY	6 LOUISVILLE	KY 502 553-0598	P M	515PM	1.0
75. MAY	6 FRANKFORT	KY 502 223-4687	P	636PM	1.0
76. MAY	6 INCOMING	CL 502 223-4687	P	739PM	1.0
77. MAY	7 FRANKFORT	KY 502 330-1270	P M	117PM	2.0
78. MAY	8 INCOMING	CL 502 330-1270	N W	305AM	5.0
79. MAY	8 FRANKFORT	KY 502 330-1270	N W	544PM	1.0
80. MAY	8 LOUISVILLE	KY 502 992-6875	N W	630PM	4.0
81. MAY	8 LOUISVILLE	KY 502 992-6875	N W	759PM	2.0
82. MAY	8 LOUISVILLE	KY 502 992-6875	N W	805PM	2.0
83. MAY	8 LOUISVILLE	KY 502 992-6875	N W	817PM	2.0
84. MAY	8 LOUISVILLE	KY 502 992-6875	N W	822PM	3.0
85. MAY	8 LOUISVILLE	KY 502 992-6875	N W	847PM	2.0
86. MAY	9 ROMER	CL 502 426-4513	N R	305PM	2.0
87. MAY	9 LOUISVILLE	KY 502 992-6875	N W	306PM	3.0
88. MAY	9 INCOMING	CL 502 223-4687	N W	309PM	2.0
89. MAY	9 INCOMING	CL 502 223-4687	N W	311PM	3.0
90. MAY	9 INCOMING	CL 502 223-4687	N W	511PM	3.0
91. MAY	9 FRANKFORT	KY 502 223-4687	N W	526PM	3.0
92. MAY	10 VOICE MAIL	CL 502 875-0500	P	853AM	1.0
93. MAY	10 FRANKFORT	KY 502 223-4687	P	704PM	1.0
94. MAY	10 FRANKFORT	KY 502 330-1270	P M	705PM	1.0
95. MAY	10 INCOMING	CL 502 330-1270	P M	734PM	1.0

NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT  
IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE!  
HOWEVER, COLLECTION OF UNPAID CHARGES MAY BE  
PURSUED BY THE SERVICE PROVIDER.

\*\* Cingular Wireless \*\* (NH2,BOAC01)

THOMAS DORMAN

Account Number: 502 875-3893 231 0487

Bill Period Date: Jun 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Detail Airtime Usage Charges (continued)

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### Detail Airtime Usage Charges (continued)

Type (Type): C=Call Waiting; D= Data Call; F=Call Forwarding  
I=Incoming Call; K= Fax Call; M=Mobile to Mobile Discount;  
P=Priority Access Service; R=Roam with Home;  
S=Shared Minutes; T=Three Way Calling;  
W=Nights and Weekends

Local Altimeter Charges

Artimo mutum 229.0

### Airtime Monitored - Current Usage

Date	Place Called	Number Called	Prd	Type	Time	Min	INSBLC X	TICKET ID	GEO CODE
22. MAY 19	FRANKFORT	KY 502 330-1270	F	M	1042AM	7.0	0	6L2D	FIN00
23. MAY 19	INCOMING	CL 502 627-2323	F		1131AM	7.0	0	6L2D	FIN00
24. MAY 19	VOICE MAIL	CL 502 875-0500	P		237PM	1.0	0	6L2D	FIN00
25. MAY 19	INCOMING	CL 502 223-4687	F		538PM	1.0	0	6L2D	FIN00
26. MAY 20	VOICE MAIL	CL 502 875-0500	F		1120AM	1.0	0	6L2D	FIN00
27. MAY 20	INCOMING	CL 502 223-4687	F		110PM	1.0	0	6L2D	FIN00
28. MAY 20	VOICE MAIL	CL 502 875-0500	F		133PM	1.0	0	6L2D	FIN00
29. MAY 21	LOUISVILLE	KY 502 553-0598	F		M 1500AM	3.0	0	6L2D	FIN00
30. MAY 21	INCOMING	CL 502 564-3685	F		215PM	1.0	0	6L2D	FIN00
31. MAY 21	FRANKFORT	KY 502 330-1270	F	M	229PM	2.0	0	6L2D	FIN00
32. MAY 21	FRANKFORT	KY 502 330-1270	F	M	319PM	2.0	0	6L2D	FIN00
33. MAY 21	FRANKFORT	KY 502 223-4687	F		717PM	1.0	0	6L2D	FIN00
34. MAY 23	FRANKFORT	KY 502 223-4687	N	M	1004AM	2.0	0	6L2D	FIN00
35. MAY 23	FRANKFORT	KY 502 227-0821	N	M	629PM	1.0	0	6L2D	FIN00
36. MAY 23	INCOMING	CL 502 875-4180	N	M	642PM	2.0	0	6L2D	FIN00
37. MAY 24	FRANKFORT	KY 502 330-1270	F	M	233PM	2.0	0	6L2D	FIN00
38. MAY 24	LOUISVILLE	KY 502 553-0598	F	M	310PM	2.0	0	6L2D	FIN00
39. MAY 24	INCOMING	CL 502 330-1270	F	M	437PM	3.0	0	6L2D	FIN00
40. MAY 24	FRANKFORT	KY 502 330-1270	F	M	440PM	2.0	0	6L2D	FIN00

NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE! HOWEVER, COLLECTION OF UNPAID CHARGES MAY BE PURSUED BY THE SERVICE PROVIDER.

\*\*\* Circular Wirelens \*\* (MB2,B0AC01)

THOMAS DONAHY

Account Number: 502 875-3893 231 0487

Bill Period: Jul 3, 2004

FOR CINCINNATI WITHOUT BILLING QUANTIFIERS. CALL 1 877 678-BELL

Non-Indigenous people

**Detective Wanda Charles**

01 #6677777 85773 8W73777 7777384

Line	Date	Place Called	Number Called	Frd	Type	Time	Min	INSLC X	TICKET ID	GEO CODE
41.	MAY 24	INCOMING	CL 502 553-0598	P	M	537PM	6.0	0	6L2D	FIN00
42.	MAY 25	FRANKFORT	XY 502 330-1270	P	M	933AM	2.0	0	6L2D	FIN00
43.	MAY 25	WINDOM	000 000-0000	P	M	330PM	4.0	0	6L2D	FIN00
44.	MAY 25	WINDOM	000 000-0000	P	M	334PM	7.0	0	6L2D	FIN00
45.	MAY 26	VOICE MAIL	CL 502 875-0500	P		231PM	7.0	0	6L2D	FIN00
46.	MAY 26	FRANKFORT	XY 502 564-3940	P		336PM	4.0	0	6L2D	FIN00
47.	MAY 26	FRANKFORT	XY 502 564-3940	P		341PM	5.0	0	6L2D	FIN00
48.	MAY 26	FRANKFORT	XY 502 330-1270	P	M	512PM	1.0	0	6L2D	FIN00
49.	MAY 26	FRANKFORT	XY 502 330-1270	P	M	529PM	6.0	0	6L2D	FIN00
50.	MAY 27	VOICE MAIL	CL 502 875-0500	P		845AM	2.0	0	6L2D	FIN00
51.	MAY 27	VOICE MAIL	CL 502 875-0500	P		307PM	1.0	0	6L2D	FIN00
52.	MAY 27	FRANKFORT	XY 502 330-1270	P	M	329PM	3.0	0	6L2D	FIN00
53.	MAY 28	INCOMING	CL 502 223-8239	P		940AM	1.0	0	6L2D	FIN00

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\*\* Cingular Wireless \*\* (MB2,BOAC01)

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THOMAS DORMAN  
Account Number: 502 875-3893 231 0487  
Bill Period Date: Aug 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Detail Airtime Usage Charges (continued)

Airtime Messages - Current Usage

Date	Place Called	Number Called	Prd Type	Time	Min	IMSBLC X TICKET ID	GEO CODE
41. JUL 2	ROAMER	CL 502 330-4170	P R	1022AM	2.0	0 6L2D FIN00	
42. JUL 3	ROAMER	CL 502 875-0500	N R	745AM	12.0	0 6L2D FIN00	
43. JUL 3	FRANKFORT	CL 502 330-6389	N R	158PM	1.0	0 6L2D FIN00	
44. JUL 3	ROAMER	CL 502 330-6389	N R	330PM	1.0	0 6L2D FIN00	
45. JUL 3	ROAMER	CL 502 330-6389	N R	331PM	1.0	0 6L2D FIN00	
46. JUL 3	ROAMER	CL 502 330-6389	N R	332PM	1.0	0 6L2D FIN00	
47. JUL 6	WINDOW	000 000-0000	P R	837AM	4.0	0 6L2D FIN00	
48. JUL 6	ROAMER	CL 502 875-0500	P R	841AM	2.0	0 6L2D FIN00	
49. JUL 6	INCOMING	CL 502 229-4922	P R	626PM	1.0	0 6L2D FIN00	
50. JUL 6	INCOMING	CL 502 229-4922	P R	650PM	1.0	0 6L2D FIN00	
51. JUL 7	INCOMING	CL 502 564-7037	P R	932AM	3.0	0 6L2D FIN00	
52. JUL 8	FRANKFORT	KY 502 875-3893	P R	107PM	1.0	0 6L2D FIN00	
53. JUL 8	FRANKFORT	KY 502 875-3893	P R	109PM	1.0	0 6L2D FIN00	
54. JUL 8	VOICE MAIL	CL 502 875-0500	P R	305PM	2.0	0 6L2D FIN00	
55. JUL 8	INCOMING	CL 502 226-0922	P R	521PM	7.0	0 6L2D FIN00	
56. JUL 9	ROAMER	CL 502 545-8104	P R	222PM	1.0	0 6L2D FIN00	
57. JUL 9	ROAMER	CL 502 330-1270	P R	223PM	3.0	0 6L2D FIN00	
58. JUL 9	FRANKFORT	KY 502 564-3940	P R	348PM	1.0	0 6L2D FIN00	
59. JUL 9	FRANKFORT	KY 502 564-3940	P R	404PM	1.0	0 6L2D FIN00	
60. JUL 9	FRANKFORT	KY 502 545-8104	P R	448PM	1.0	0 6L2D FIN00	
61. JUL 9	VOICE MAIL	CL 502 875-0500	P R	528PM	1.0	0 6L2D FIN00	
62. JUL 9	FRANKFORT	CL 502 875-0500	P R	532PM	2.0	0 6L2D FIN00	
63. JUL 9	VOICE MAIL	CL 502 330-1270	P R	537PM	1.0	0 6L2D FIN00	
64. JUL 9	FRANKFORT	KY 502 545-8104	P R	707PM	4.0	0 6L2D FIN00	
65. JUL 9	INCOMING	CL 502 223-4687	P R	718PM	1.0	0 6L2D FIN00	
66. JUL 9	INCOMING	KY 502 223-4687	N W	1018AM	1.0	0 6L2D FIN00	
67. JUL 10	FRANKFORT	KY 502 330-1270	N W	1019AM	1.0	0 6L2D FIN00	

NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT  
IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE;  
HOWEVER, COLLECTION OF UNPAID CHARGES MAY BE  
PURSUED BY THE SERVICE PROVIDER.

\*\* Cingular Wireless \*\* (MB2,BOAC01)

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THOMAS DORMAN  
Account Number: 502 875-3893 231 0487  
Bill Period Date: Aug 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Detail Airtime Usage Charges (continued)

Airtime Messages - Current Usage

Date	Place Called	Number Called	Prd Type	Time	Min	IMSBLC X TICKET ID	GEO CODE
69. JUL 10	INCOMING	CL 502 330-1270	N W	1019AM	1.0	0 6L2D FIN00	
70. JUL 11	VOICE MAIL	CL 502 875-0500	N W	259AM	2.0	0 6L2D FIN00	
71. JUL 11	INCOMING	CL 502 330-1270	N W	410PM	1.0	0 6L2D FIN00	
72. JUL 11	WINDOW	000 000-0000	N W	428PM	3.0	0 6L2D FIN00	

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73. JUL 11 VOICE MAIL	CL 502 875-0500	N W	752PM	1.0	0 6L2D	FIN00
74. JUL 12 VOICE MAIL	CL 502 875-0500	P	1016AM	1.0	0 6L2D	FIN00
75. JUL 12 FRANKFORT	KY 502 223-0006	P	1018AM	2.0	0 6L2D	FIN00
76. JUL 12 FRANKFORT	KY 502 875-1342	P	1020AM	1.0	0 6L2D	FIN00
77. JUL 12 FRANKFORT	KY 502 226-4157	P	1044AM	1.0	0 6L2D	FIN00
78. JUL 12 INCOMING	CL 502 226-3847	P	1100AM	1.0	0 6L2D	FIN00
79. JUL 12 VOICE MAIL	CL 502 875-0500	P	136PM	2.0	0 6L2D	FIN00
80. JUL 12 FRANKFORT	KY 502 226-4157	P	138PM	8.0	0 6L2D	FIN00
81. JUL 12 FRANKFORT	KY 502 223-4157	P	146PM	1.0	0 6L2D	FIN00
82. JUL 12 FRANKFORT	KY 502 223-4157	P	146PM	1.0	0 6L2D	FIN00
83. JUL 12 VOICE MAIL	CL 502 875-0500	P	258PM	2.0	0 6L2D	FIN00
84. JUL 12 INCOMING	CL 502 229-4922	P R	711PM	1.0	0 6L2D	FIN00
85. JUL 13 INCOMING	CL 502 227-0744	P	202PM	2.0	0 6L2D	FIN00
86. JUL 13 INCOMING	CL 502 223-4687	P	518PM	1.0	0 6L2D	FIN00
87. JUL 14 FRANKFORT	KY 502 226-4157	P	1154AM	1.0	0 6L2D	FIN00
88. JUL 14 FRANKFORT	KY 502 330-1270	P N	150PM	2.0	0 6L2D	FIN00
89. JUL 14 INCOMING	CL 502 564-2072	P	352PM	1.0	0 6L2D	FIN00
90. JUL 15 INCOMING	CL 502 627-2323	P	1124AM	5.0	0 6L2D	FIN00
91. JUL 15 INCOMING	CL 502 226-3847	P	1201PM	9.0	0 6L2D	FIN00
92. JUL 15 FRANKFORT	KY 502 226-4157	P	120PM	1.0	0 6L2D	FIN00
93. JUL 15 VOICE MAIL	CL 502 875-0500	P	215PM	1.0	0 6L2D	FIN00
94. JUL 17 FRANKFORT	KY 502 223-4687	N W	602PM	1.0	0 6L2D	FIN00
95. JUL 17 FRANKFORT	KY 502 330-1270	N W	603PM	3.0	0 6L2D	FIN00
96. JUL 17 LOUISVILLE	KY 502 992-6875	N W	606PM	2.0	0 6L2D	FIN00

NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT  
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HOWEVER, COLLECTION OF UNPAID CHARGES MAY BE  
PURSUED BY THE SERVICE PROVIDER.

\*\* Cingular Wireless \*\* (NR2,BOAC01)

THOMAS DORMAN

Account Number: 502 875-3893 231 0467

Bill Period Date: Aug 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Non-regulated Charges

Airtime Messages - Current Usage

Detail Airtime Usage Charges (continued)

Date	Place Called	Number Called	Prd Type	Time	Min	IMSBLC X	TICKET ID	GEO CODE
97. JUL 17 LOUISVILLE	KY 502 992-6875	N W	607PM	2.0	0.00	0 6L2D	FIN00	
98. JUL 17 LOUISVILLE	KY 502 992-6875	N W	704PM	3.0	0.00	0 6L2D	FIN00	
99. JUL 17 LOUISVILLE	KY 502 426-4513	N W	705PM	1.0	0.00	0 6L2D	FIN00	
100. JUL 17 LOUISVILLE	KY 502 992-6875	N W	708PM	2.0	0.00	0 6L2D	FIN00	
101. JUL 17 LOUISVILLE	KY 502 992-6875	N W	710PM	4.0	0.00	0 6L2D	FIN00	
102. JUL 18 FRANKFORT	KY 502 223-4687	N W	1036AM	1.0	0.00	0 6L2D	FIN00	
103. JUL 18 VOICE MAIL	CL 502 875-0500	N W	631PM	1.0	0.00	0 6L2D	FIN00	
104. JUL 18 VOICE MAIL	CL 502 875-0500	N W	632PM	1.0	0.00	0 6L2D	FIN00	
105. JUL 18 FRANKFORT	KY 502 223-4687	N W	640PM	11.0	0.00	0 6L2D	FIN00	
106. JUL 18 VOICE MAIL	CL 502 875-0500	N W	651PM	8.0	0.00	0 6L2D	FIN00	
Airtime Total								
Total Airtime Minutes:	224.0							

Taxes

107. FEDERAL EXCISE TAX

108. STATE SALES TAX

Taxes Total

Cingular Long Distance and Directory Assistance Charges

Cingular Long Distance

Date Place Called Number Called Prd Type Time Min

Amount  
.97  
1.94  
2.91

IMSBLC X TICKET ID GEO CODE

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54. MAY 28 VOICE MAIL	CL 502 875-0500	P	950AM	2.0	.00	0 6L2D	FIN00
55. MAY 28 INCOMING	CL 502 223-4687	P	551PM	3.0	.00	0 6L2D	FIN00
56. MAY 29 FRANKFORT	KY 502 875-3903	N W	831AM	1.0	.00	0 6L2D	FIN00
57. MAY 29 FRANKFORT	KY 502 875-1817	N W	906AM	1.0	.00	0 6L2D	FIN00
58. MAY 29 FRANKFORT	KY 502 875-1817	N W	954AM	1.0	.00	0 6L2D	FIN00
59. MAY 29 FRANKFORT	KY 502 223-4687	N W	718PM	1.0	.00	0 6L2D	FIN00
60. MAY 30 LOUISVILLE	KY 502 992-6875	N W	1040AM	4.0	.00	0 6L2D	FIN00
61. MAY 31 INCOMING	CL 502 223-4687	P	345PM	3.0	.00	0 6L2D	FIN00
62. MAY 31 FRANKFORT	KY 502 223-4687	P	403PM	3.0	.00	0 6L2D	FIN00
63. MAY 31 FRANKFORT	KY 502 223-4687	P	647PM	7.0	.00	0 6L2D	FIN00
64. MAY 31 INCOMING	CL 502 223-4687	P	737PM	2.0	.00	0 6L2D	FIN00
65. JUN 1 VOICE MAIL	CL 502 875-0500	O W	645AM	2.0	.00	0 6L2D	FIN00
66. JUN 1 FRANKFORT	KY 502 564-3940	P	1130AM	1.0	.00	0 6L2D	FIN00
67. JUN 1 FRANKFORT	KY 502 564-3940	P	1132AM	1.0	.00	0 6L2D	FIN00
68. JUN 1 COVINGTON	KY 859 750-5348	P	1133AM	1.0	.00	0 6L2D	FIN00

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\*\* Cingular Wireless \*\* (HB2,B0AC01)

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THOMAS DOMAN

Account Number: 502 875-3893 231 0487

Bill Period Date: Jul 2, 2004

For Cingular Wireless Billing Questions, Call 1 877 678-BELL

Detailed Statement of Nonregulated Charges

Airtime Messages - Current Usage

Date	Place Called	Number Called	Prd Type	Time	Min	INMSBLC X TICKET ID	GEO CODE
69. JUN 1 FRANKFORT	KY 502 564-3940	P	1136AM	1.0	.00	0 6L2D	FIN00
70. JUN 1 INCOMING	CL 502 564-2072	P	1139AM	1.0	.00	0 6L2D	FIN00
71. JUN 2 INCOMING	CL 502 545-7005	P	940AM	3.0	.00	0 6L2D	FIN00
72. JUN 2 LOUISVILLE	KY 502 992-6875	P	545PM	4.0	.00	0 6L2D	FIN00
73. JUN 2 FRANKFORT	KY 502 223-4687	O W	1021PM	7.0	.00	0 6L2D	FIN00
74. JUN 3 INCOMING	CL 502 564-7167	P	818AM	2.0	.00	0 6L2D	FIN00
75. JUN 3 FRANKFORT	KY 502 330-1270	P	1157AM	2.0	.00	0 6L2D	FIN00
76. JUN 3 LOUISVILLE	KY 502 897-1167	P	1159AM	1.0	.00	0 6L2D	FIN00
77. JUN 3 FRANKFORT	KY 502 695-4828	P	1233PM	2.0	.00	0 6L2D	FIN00
78. JUN 3 INCOMING	CL 502 695-4895	P	137PM	13.0	.00	0 6L2D	FIN00
79. JUN 3 FRANKFORT	KY 502 564-3940	P	235PM	2.0	.00	0 6L2D	FIN00
80. JUN 3 LEXINGTON	KY 859 221-8036	P	237PM	4.0	.00	0 6L2D	FIN00
81. JUN 4 ROANER	CL 502 330-1270	P	1018AM	1.0	.00	0 6L2D	FIN00
82. JUN 4 INCOMING	CL 502 223-8343	P	701PM	3.0	.00	0 6L2D	FIN00
83. JUN 5 ROANER	CL 502 223-4687	N R	323PM	1.0	.00	0 6L2D	FIN00
84. JUN 5 FRANKFORT	KY 502 875-4199	N W	326PM	2.0	.00	0 6L2D	FIN00
85. JUN 5 FRANKFORT	KY 502 875-4199	N W	328PM	2.0	.00	0 6L2D	FIN00
86. JUN 5 ROANER	CL 000 000-0411	N R	330PM	4.0	.00	0 6L2D	FIN00
87. JUN 5 ROANER	CL 000 000-0411	N R	333PM	9.0	.00	0 6L2D	FIN00
88. JUN 5 INCOMING	CL 502 229-4922	N R	347PM	2.0	.00	0 6L2D	FIN00
89. JUN 5 INCOMING	CL 502 229-4922	N R	349PM	1.0	.00	0 6L2D	FIN00
90. JUN 5 ROANER	CL 502 875-8939	N R	350PM	2.0	.00	0 6L2D	FIN00
91. JUN 5 INCOMING	CL 502 223-4922	N R	413PM	1.0	.00	0 6L2D	FIN00
92. JUN 5 INCOMING	CL 502 223-4687	N W	506PM	6.0	.00	0 6L2D	FIN00
93. JUN 5 FRANKFORT	KY 502 223-4687	N W	604PM	8.0	.00	0 6L2D	FIN00
94. JUN 5 INCOMING	CL 502 223-4687	N W	715PM	12.0	.00	0 6L2D	FIN00

NONPAYMENT OF ITEMS ON THIS SHEET WILL NOT RESULT  
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-- [1] 21/25 D.C [1] 44/18	agreement [13] 20/1 20/1 20/14 32/10 32/19 33/8 36/2 41/24 61/3 61/6 61/10 79/1 80/13	75/9 76/15 area [1] 73/21 arena [4] 13/24 18/5 20/13 57/16 arenas [1] 47/18 around [7] 12/6 22/2 29/20 30/21 40/12 62/1 73/3 as [113] aside [1] 31/20 ask [9] 8/23 9/4 16/18 22/18 48/5 55/15 58/21 65/12 68/10 asked [1] 73/18 asking [3] 14/11 45/17 51/23 Assembly [2] 13/9 37/17 assigned [1] 61/16 assigning [1] 37/22 assist [1] 13/13 assistance [3] 18/19 19/6 20/7 assisting [1] 12/19 association [2] 34/8 41/15 assume [1] 4/13 assumed [1] 14/25 assuming [1] 16/25 at [82] atmosphere [2] 60/2 68/19 attend [2] 27/4 45/3 attendant [4] 20/4 20/9 32/14 68/20 attended [4] 7/1 11/23 44/9 44/21 attending [1] 44/20 attention [6] 18/7 25/10 63/7 65/5 67/11 68/21 attorney [17] 21/8 34/14 34/16 61/7 61/10 61/16 61/20 61/23 62/19 68/18 69/12 70/14 70/20 71/11 73/20 75/5 79/12 August [2] 44/14 44/22 authority [5] 5/20 5/23 5/24 6/2 73/25 aware [9] 19/8 19/11 19/15 19/15 20/11 25/5 28/1 44/12 75/9
'Ex [1] 55/17 'Ex parte [1] 55/17	agreement -- [1] 20/1 ahead [2] 18/25 65/9 air [2] 39/7 39/9 all [128] all -- [2] 38/8 43/20 allegation [1] 5/11 alleged [2] 5/6 63/13 allowable [2] 10/5 55/24 almost [1] 21/6 alone [1] 27/21 along [5] 10/14 25/4 26/25 58/7 71/15 also [12] 5/19 12/1 19/11 24/17 24/18 26/23 29/12 44/6 66/1 70/2 71/16 76/15 also -- [1] 12/1 alternative [1] 74/1 always [2] 9/21 45/3 am [9] 28/9 30/16 31/7 38/12 49/3 49/25 51/9 80/5 81/10 Amato [1] 10/11 American [5] 18/13 18/19 20/11 27/1 33/16 amongst [1] 61/6 amount [1] 39/7 an LG [1] 36/23 analysis [1] 21/9 analysts [1] 21/22 and -- [5] 22/10 50/15 62/12 65/8 75/20 Andrea [1] 24/12 anecdotal [1] 31/10 animals [1] 40/9 announce [1] 46/8 announced [2] 32/22 33/7 announcement [1] 79/1 another [6] 36/16 38/3 72/6 73/19 73/20 75/4 answer [1] 24/22 any [40] 8/5 11/2 17/2 20/14 23/23 24/25 27/20 30/23 31/21 32/2 32/3 35/21 42/9 42/12 46/20 54/7 57/8 58/7 58/13 58/22 59/1 59/5 64/9 64/10 68/11 69/13 69/14 70/3 70/16 71/11 73/25 75/10 75/12 76/2 77/7 78/12 78/18 79/13 80/11 81/10 anybody [5] 29/12 34/22 45/22 48/7 56/18 anyone [7] 33/25 46/6 56/5 56/13 58/14 59/21 80/7 anything [7] 29/13 31/11 64/4 68/14 72/10 75/23 79/22 appear [1] 77/6 appearance [3] 9/16 68/17 70/14 appearances [1] 81/5 appeared [2] 61/9 62/24 appears [1] 69/22 appoint [2] 21/12 22/6 appointed [3] 15/1 15/6 21/14 appointment [1] 12/17 approached [1] 73/10 appropriate [2] 35/24 75/19 approval [2] 13/1 13/10 approximately [3] 3/5 4/1 11/16 April [12] 15/22 15/23 23/19 23/22 25/22 26/21 43/2 53/13 61/1 62/21 66/5 74/16 are [42] 10/22 14/10 17/22 19/22 23/14 25/3 29/19 30/23 31/16 34/2 34/3 34/7 34/8 34/17 34/20 35/17 41/2 42/19 43/14 44/1 45/18 50/13 50/16 50/18 50/24 51/11 51/18 52/19 57/2 57/18 57/20 57/25 60/4 65/10 65/11 66/10 66/22 68/6 70/15 70/15	back [31] 3/17 3/18 6/10 6/13 6/20 8/8 8/10 10/1 11/11 12/1 16/4 20/16 22/10 23/10 25/22 29/10 32/6 35/9 36/11 36/15 36/23 41/4 45/25 48/18 49/10 50/3 55/13 55/14 59/17 60/24 77/3 backed [1] 13/15 background [3] 7/1 13/20 13/24 based [1] 72/24 Basically [1] 7/5 basis [4] 40/16 42/7 49/2 49/2 be [45] 8/8 9/10 9/19 9/23 11/3 13/2 13/25 17/15 17/19 17/21 18/6 22/11 25/9 25/10 29/12 35/23 40/24 42/3 43/17 46/8 46/8 49/7 49/24 50/9 50/16 52/18 54/12 55/22 55/23 55/24 55/25 57/22 58/4 60/17 60/25 61/9 62/8 64/19 64/21 66/25 69/22 72/23 72/23 77/6 79/11 be -- [1] 25/9 bears [2] 7/19 7/25 became [2] 14/20 14/21 because [14] 4/25 6/25 11/3 13/19 18/1 22/14 27/12 35/18 38/15 39/15 46/16 47/18 57/24 80/13 Becky [1] 62/10 become [2] 19/8 74/13 becomes [2] 20/3 68/6 been [64] 3/23 5/1 7/9 7/12 7/14 8/1 13/22 14/22 15/12 15/19 15/23 16/1 17/17 18/3 19/3 19/15 22/20 25/5 27/1 29/11 29/25 30/10 31/20 32/25 33/5 33/8 36/21 39/23 40/7 42/18 43/13 44/13 45/12 47/13 48/20 48/22 49/5 50/13 51/7 51/9 51/12
<b>A</b>		<b>B</b>
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